

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
SECOND DAY  
JANUARY 27, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING  
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM  
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY**

**LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS**

**[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]**

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

Here.

**LEG. FOLEY:**

(Not Present).

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

(Not Present)

**LEG. FOLEY:**

Henry.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

(Not Present).

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

(Present)

**LEG. BINDER:**

Here.

**]LEG. TONNA:**

Here.

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**MR. BARTON:**

15 present. (Not Present at Roll Call: Legs. Crecca and Montano)

**P.O. CARACAPPA:**

Thank you, Mr. Clerk. Would everyone please rise for a salute to the flag, led by Legislator Carpenter.

***(Salutation)***

I would ask everyone to bow their heads in a moment of silence or meditation at this point in time. I'd also ask for a moment of silence for Rose D'Agostino. Rose D'Agostino is the grandmother of our colleague and friend, Daniel Losquadro, Legislator from the Sixth District. So I'd ask that your prayers and well wishes be with him and his family in a difficult time.

***{ MOMENT OF SILENCE }***

Thank you. I'd like to recognize Legislator Pete O'Leary for the purposes of a proclamation.

**LEG. O'LEARY:**

Thank you, Mr. Chair. I'm very happy and pleased today to be here to recognize one of the premier high school football teams, not only in the County, but on the Island as well.

This past season, the William Floyd High School Football Team, nicknamed the Colonials, had a stellar performance on the field, amassing a record of 10 and 0 against their opponents in Suffolk County, and going to the Long Island Championship Game, where they had the misfortune, I think, of running into one of the best high school teams ever assembled out of Nassau, Freeport, but we'll deal with that some other time. Maybe we'll get them next year, guys. But at any rate, the William Floyd team has been building an empire, so to speak, and over the past three years has amassed a record of 28 and 2, 10 and 0 in two of the last three seasons. And it's with a great deal of respect and honor today that I'm here before you to recognize their achievement for the past season.

Just to give you an indication, we all know that football is a team sport, and in the past season, the William Floyd Colonials were the number one offense in Division I, averaging over 30 points a game, and the number one defense as well, giving up only 11 points a game. They had the distinct honor of placing three, three of their players as All Long Island Players, one of whom is with us today. I'd like to recognize him. He's going on to play college ball. He is truly a great player who did some fabulous things on the field. Please, welcome All Long Island Football Player, tight end, defensive end, James Parker. James?

***(Applause)***

Also, another individual who garnered great individual honors with the Floyd Colonials this year was number one, number one wide receiver, defensive back, who is an All County Player. Please, welcome Vinny Trent. Vinny.

***(Applause)***

Seniors who are with us today who did a great job during the season and, of course, oftentimes the unsung heroes on a football team -- those of us who participated in the sport know all too well that the glory positions of quarterback, running back and receiver are always at the forefront. However, if it's not for the great line play of your teammates, you're not successful. And today with us are two individuals -- oh, I'm sorry, there's only one lineman here. Ronnie Webber, please stand up and be acknowledged. Ron Webber.

***(Applause)***

Also with us today are two seniors who are a great integral part of the program. Please, welcome Jamie Kilcullen and Juan Morales. Great job, guys.

***(Applause)***

Of course, football being a team sport, you need leadership, and, certainly, that is exemplified in not only the administrative leaders in the district, but from the community as well. And also with us today honoring the William Floyd Football Colonial Team are two members of the School Board representing the community, Mark Mensch and Bill Guiducci. Thanks for coming, guys.

***(Applause)***

A team is only as good as its coach and its staff, and this individual has put together a great staff. I'm happy to say that one of his assistants, Pete Friedman, played with my sons at Sachem, who I think is an arch rival of Floyd, but we won't hold that against either Pete Friedman, nor my sons, but with us today is the Head Coach of the William Floyd Colonials, Head Coach Paul Longo. Paul.

***(Applause)***

The Athletic Director, Director of Athletics with us today, John {Pigeon}. John, would you come up, and Coach Longo as well?

***(Applause)***

I'm also going to ask the Superintendent of Schools and the High School Principal, Superintendent of Schools, Dr. Richard Hawkins, please come up.

***(Applause)***

And the High School Principal, Bob Feeney.

***(Applause)***

In closing, I just want to say that the coaches and players should be commended for not only

their record and outstanding achievement, but also for the significant role they played in bringing pride and honor to their fellow students, their school district, and most importantly, to their community. Congratulations.

And I understand there are two individuals who are not here today, Donny McCarthy and Andrew Miller, who will be returning next year. And, certainly, the future bodes well for William Floyd Football. Hopefully, Coach Longo next year will bring home that Rutgers Cup, which we deserved to get this year.

**MR. LONGO:**

Thank you.

**LEG. O'LEARY:**

Thank you very much, and congratulations.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Legislator O'Leary. I recognize Legislator Nowick and Legislator Crecca.

**LEG. NOWICK:**

Good morning, everybody. It's my pleasure today to bring up Mr. Peter Freund from the Smithtown Haus Restaurant in Smithtown. Come on up, Peter.

***(Applause).***

Peter Freund has been in business in Smithtown for 27 years as Co-owner of the Smithtown Haus Restaurant. And the Smithtown Haus, as most of you know, and I bet if I looked around and I looked at all of the Legislators and I looked into the audience, I bet you have all been into the Smithtown Haus or past the Smithtown Haus, because everybody loves it there. And Peter, of course, when you walk into the Smithtown Haus, Peter makes you feel like you're part of the restaurant, like you're in your own home in your own kitchen, but you don't have to cook.

And I think one of the best things is that the Smithtown Haus represents what it really means, the word "downtown", the small business, the place to go in Smithtown, a part of the small

town, what we used to be in Smithtown. I think, if I go to Nassau County, and this has happened many times, whether I go to Suffolk County or Nassau County, people know about that little restaurant on the corner that serves that wonderful German food with that nice gentleman that is always smiling. So it makes us feel good in Smithtown. We had a special place and we will certainly be lost without it. But Peter is planning to retire after -- what is it, 57?

**MR. FREUND:**

Fifty-four years in business.

**LEG. NOWICK:**

Fifty-four years in business. Peter comes here from Berlin, Germany in 1958 to be in business in America, and to thank -- thankfully to all of us here and in Smithtown, we have him. We've been so blessed. He is planning to retire after all those years. He's planning to spoil his wife, Inger, I'm sure, and I hope this works out good for you. Why don't you come up also, Inger. And his two children, and Peter has twelve grandchildren to spoil, so I guess we're giving him up in Smithtown to a better cause.

Congratulations to both of you. Andrew would like to say a few words. We have a proclamation for you. And I'm going to let Andrew come over here.

**MR. FREUND:**

Andrew.

**LEG. CRECCA:**

Hi, Peter. Good morning. I'll just be real brief. I'll ditto everything Lynne said, but I'll just add that, you know, Peter has been not just an owner of a restaurant in Smithtown, but the Smithtown Haus and Peter's establishment has been a real contributor to the community. And he's done that by reaching out and hosting events, and just being involved in the Smithtown community, and that's really why we're here today, to honor Peter on not just having the Smithtown Haus, but for being a great member of the Smithtown community. And in your retirement, we're sure to try to take up some more of your time, volunteering in Smithtown and being an important part of the Rotary and other organizations there. Thank you, Peter, and kudos to you.

**MR. FREUND:**

Thank you.

***(Applause)***

**LEG. NOWICK:**

Thank you, Peter. We're going to miss you an awful lot in Smithtown. And, again, it was a home to all of us, I know to my friends and my relatives, and I know my parents were always there. It was downtown. It was the small business. It was from the heart, and from the heart, we present you with this proclamation from the Suffolk County Legislature.

**MR. FREUND:**

Thank you very much, Lynne.

**LEG. NOWICK:**

You're welcome.

***(A Photograph Was Taken)***

**MR. FREUND:**

Thank you very much. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much, Legislator Crecca and Nowick. And to Peter and his wife, we thank you for the years of service to the people of Suffolk County.

Are there anymore presentations by Legislators? Seeing none, we're going directly to the public portion. First speaker is Michael Rio, followed by John Turner.

***(Applause)***

Just for the public's awareness, each speaker has three minutes.



**MR. RIO:**

Good morning, Legislators.

**P.O. CARACAPPA:**

Good morning.

**MR. RIO:**

And our guests and supporters. My name is Michael Rio, to most of you known as Rio. I'm a local business owner, a Suffolk County homeowner, the President of the Long Island {Prax} MX Motocross Club, Co-Founder of the National Motocross and ATV Association, and a supporter of the Long Island Off-Road Vehicle Association.

Our community needs to provide safe, diverse quality opportunities that meet the needs of our citizens and children. In our case, for people who enjoy spending time with their friends and family riding off-road vehicles and ATV's for pleasure and recreation.

The number of ATV and motocross riders on Long Island is not in the tens, hundreds or thousands, but in the hundreds -- in the tens of thousands. This is evident in the tremendous local sales of these recreational vehicles. Off-road motor sports is the number one fastest growing recreation in our country today. We are not looking for anything out of the ordinary, we are only looking for some land and space to enjoy our recreation.

I'd like to thank all you Legislators that are sponsoring this bill, and especially Andrew Crecca. I'd like to thank Tom Riker of the LIORV for making this possible also, and all our guests that are helping support the bill. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Mr. Rio. John Turner, followed by Doug DiLillo.

**MR. TURNER:**

Good morning, Presiding Officer Caracappa, and members of the Suffolk County Legislature. For the record, my name is John Turner, and I serve as Assistant Town Planning Director to the

Town of Brookhaven. And my purpose for being here this morning, joining colleagues from the Division of Real Estate, Christine Costigan, and had her staff, as well as the Strobel Family, which is also here and would like to speak, some representatives from that family, is to lend our support to Introductory Resolution 2050, which would provide authorization for the acquisition of the Strobel Farm, which is located in Center Moriches.

And I just wanted to come here to put a face behind the support of the Town for this resolution. The Town has previously enacted a necessary resolution supporting 30% of the share. That took place back in November of last year, I believe. And we've identified the property as being one of the top priorities within the Town. And I'm just handing around some information to you, just, again, to try to make the project a bit, perhaps, more tangible for you. There's some aerial photographs showing the positioning of the property with regard to the surrounding land. There's some photographs of the property itself, giving some sense of the, of course, the agricultural and kind of bucolic nature of the parcel, as well as the 11 1/2 by 17 sheet that you see in the back gives some sense about the priorities that the Town of Brookhaven has identified through its open space planning process, and you can see where the Strobel Farm is situated as part of that.

The preservation of this farm will not only help retain, of course, the continuation of farming for hay on the property, but it will also help preserve a way of life. And I don't need to tell those representatives that live in the Town of Brookhaven, but the Town of Brookhaven is facing really unprecedented development pressures now. I had thought that, but it really came to bear when I came to work for the Town, and when I would go to my office every day, I'd walk past the front counter where residents are dropping off applications for either building permits or, you know, site plans or subdivisions, and some days it's literally two and three people deep. I mean, there's just intense, intense development pressure, and time is very finite if we're going to be able to make a difference on a number of parcels that we're working collectively to try to preserve.

And, if we're able to preserve this property, again, not only will we preserve a key 23 acre farm in Center Moriches, serving as kind of an anchor piece for some additional acquisitions we hope to work with the County on, but we will really preserve a really delightful slice of the past that I hope that those pictures give you some sense of.

And I know that Herb Strobel wants to speak a bit more about the specific attributes and values

of his property to share the family perspective on it, and then I know, I know that Christine Costigan and her staff want to talk and to try, I guess, address more technical issues and concerns that the Legislature may have about the resolution and the appraisals.

**P.O. POSTAL:**

Thank you, Mr. Turner.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Doug DiLillo, followed by Herbert Strobel.

**MR. DILILLO:**

Good morning to members of the Legislature. I'd like thank you all this morning for calling this meeting, at which you, hopefully, will be considering a resolution to form a Task Force to look at the issue of off-road riding on Long Island.

I'm a resident of Suffolk County, I live in Huntington Station, have lived in the Town of Huntington my whole life, and have been riding dirt bikes from the time I was a teen-ager. And I think it's important that we have the ability within our County to continue some of the things that many of the people here in the audience have been able to enjoy for a good part of their life. And I think it's important that we do that, so that we don't have to take and continually be going off of Long Island to enjoy a sport that is legal in most of our surrounding areas.

So I'd like to commend you all for coming out, and I would like to hopefully ask you to support this measure. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Herbert Strobel, followed by Renee Giorgi.

**MR. STROBEL:**

Good morning. My name, again, is Herb Strobel, and as Mr. Turner indicated, I'm here to speak on behalf of my family regarding I.R. 2050, the PDR acquisition for Thee's Dairy Farm in Center Moriches.

As Mr. Turner indicated, I just want to give our perspective as a family on some of the things we've been thinking about over the last three years as we've been going through this project.

Our family has been farming in the Moriches Bay area for about -- for over the last 80 years, and for about seven decades, we had a successful dairy farm that supplied milk to communities stretching from Westhampton to Bellport. However, a number of factors beyond our control in the early 1980's --

**LEG. VILORIA-FISHER:**

Excuse me. Can you, please, speak a little bit closer to the mike, I'm having trouble hearing you.

**MR. STROBEL:**

Sorry.

**LEG. VILORIA-FISHER:**

Thank you.

**MR. STROBEL:**

However, a number of factors beyond our control in the early 1980's affected our business and circumstances forced my parents to make the heartrending decision to sell a portion of the property in order to save the rest of the farm. Presently, our farm is the last of its size, certainly in Center Moriches.

And I want to make one thing clear. We would prefer not to see our remaining farmland developed, and so for the last three years, we've been working with the Division of Real Estate on a potential PDR deal, but, frankly, it has not been an easy process. We have been disappointed by unreasonably low appraisals and delays in the appraisal review process. And I'd like everybody in the room, particularly the Legislators, to ask themselves a question. Would a residential homeowner sell their house to the government if they were offered 30 to 50% less than current market value? Unfortunately, that is the situation many farmers, including

ourselves, are faced when considering preservation offers from various municipalities, including the County.

Now, we realize that County appraisals are often trying to hit a moving target with respect to land values, and this does create difficulties, but as some public officials have noted, an appraisal is one person's opinion about value, and the appraisal is much more a subjective art than an exacting science. Regardless, our family is simply interested in receiving a fair price for the purchase of development rights based on fair market value.

Now, if financial goal were our only motivation, our property would have been sold years ago at a price far higher than the County's appraisal estimates, but we have very much wanted to preserve our farm, and so we have continued discussions with the Division of Real Estate for over three years, as I said.

Now, my father and I attended one of the first County Farmland Preservation meetings back in the mid 1970's, and I remember John Klein speaking at that meeting, and it was obvious that he had a forward-looking vision for the preservation of agriculture on Long Island. And we believe from our hearts that our family's intentions are -- have always been in keeping with the original spirit of the Farmland Preservation Program. We are not land speculators or developers interested in financial gain at taxpayer expense, and we are not wealthy individuals seeking a tax benefit through a preservation deal. We are, quite simply, a family interested in keeping our land in agricultural production, but we are also faced with certain financial realities.

Just one more thing. Again, we would prefer not to see our farmland developed, but the farm represents my parents' hard work for over 50 years and the equity of that land is their retirement fund. Now, the Division of Real Estate's latest offer is still significantly below what the land is worth based on current market conditions, but we are willing to consider it as a basis for further discussions. And so, in that context, we do not feel that the Legislators -- the Legislature's consideration of I.R. 2050 is at all unreasonable. And so, again, I thank you for your time and attention.

**P.O. CARACAPPA:**

Thank you very much.

**LEG. FOLEY:**

Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Renee Giorgi, followed by Bob Ott. Ms. Giorgi, followed by Mr. Ott.

**MS. GIORGI:**

Good morning. As you said, my name is Renee Giorgi. I'm a resident of Suffolk County, I'm married with two children, and we are all avid ATV riders. And I wanted to take this chance to thank you all for considering a Task Force. It's something that really has needed to be done for a long time. And I wanted to come in today, so that you could see it's not just a bunch of guys, it's girls, it's children, it's family. It's a wonderful family sport.

My children are seven and ten, and they both have quads and they love to ride them, but the problem is that we have to take them on trailers and go over the bridges and go all the way Upstate to family property where we can ride them safely and legally. It would be a lot nicer if we could stay somewhere local and ride with all our friends here on the Island and not have to travel so far away. And I know there is a significant amount of property here, and some of it could be divided up for us.

I mean, any Tom, Dick or Harry can apply for a license and carry a rifle and run around and shoot deer, anybody can go fishing, anybody can go horseback riding, but if you have an ATV, it's like you're a criminal, and it's a situation that really needs to be changed. And knowing that you are forming a Task Force and looking into this, it just makes us all very happy, and I hope that it does go through. And if you need any help with your Task Force, I would love to be involved and I'd love to be a part of it. Thanks for taking the time to listen to us today.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Bob Ott, followed by Ken Kindler. Bob Ott.

**MR. OTT:**

Good morning, members of the Legislature. My name is Bob Ott. I'm 49 years old and a resident of Middle Island. I'm a member of the Eastern Long Island

Motorcycle Club, and a member of the Long Island Off-Road Vehicle Association. I've been riding trail bikes for 33 years.

Just briefly, until the 1990's, ATV use or the use of ATV's on public lands was a permitted activity in Suffolk County. And if you'd like to see these later, this is a copy of the Long Island State Park and Recreation permit for ATV use, this is a New York State DEC permit for ATV use, ATV or trail bike use, and this is Suffolk County Parks and Recreation permit for trail bike use.

We realize that our activity causes environmental damage, but all activities are going to cause damage to some extent. But we would hope that since the County has golf courses and ball fields and other parks, and at one point or another, these lands had to be cleared of the trees and now maybe they use pesticides and fertilizers, that we would hope a piece of land could be found for us, and it would be our hope to keep that piece of land vacant and unimproved.

And although there are no legal riding areas, and the cost of fines for illegal ATV use goes up year after year, also ATV sales go up year after year, so that the current situation we have is really just not working. And we're really hopeful that you'll give us a favorable vote today, so that all the interested parties can get together and work up some type of plan. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Kenneth A. Kindler, followed by Dr. Cyla Allison.

**MR. KINDLER:**

I'd like to say good morning to the members of the Legislature and to the Ladies and Gentlemen attending. Hello. My name is Ken Kindler. I'm an open space and trails advocate. I serve on the Board of Directors of the Long Island Greenbelt Trail Conference and the Southampton Trails Preservation Society. I'm Chair of the Long Island Safe Trails Coalition, developer of the Hiking Long Island website, and I am currently starting up a not-for-profit corporation, Friends of the Paumanok Path.

I feel it is commendable that the Legislature is showing its sensitivity to the needs and feelings of its constituency by developing a Task Force to study the feasibility of furnishing an ATV park



in Suffolk County. After reading the Introductory Resolution submitted by Legislator Crecca, I feel compelled to address you today. The taxpayers of the County must know that their enormous investment in natural open space will not be jeopardized by this proposed ATV park.

In addressing the needs of these off-road enthusiasts, I feel it is important that we encourage the formation of a more balanced Task Force than what is described in the Resolution 1838, one that will include representatives from the hiking groups, equestrian groups the mountain biking groups. These people, many of whom spend countless hours maintaining the trail systems are in a position to know the location of particularly sensitive lands. It is imperative that an ATV park not be located contiguous to these areas.

In addition, this Task Force should include a representative member of an enforcement agency who's familiar with the issues regarding off-road vehicle use, and a geologist who can assess the potential impact of such a park on the aquifer, as well as address erosion issues that will arise from the use of ATV's.

It might also be wise to consider the addition of an actuary to this Task Force, who can assess the insurance considerations concomitant with an activity that cause injuries requiring emergency room treatment to well over 100,000 people in the United States last year.

Neighbors to this potential facility should also have an opportunity to voice their concerns.

The first initiative I have planned for the Friends of the Paumanok Path, 501C3 public charity that I am setting up, will be a grant to repair one mile of trail that was destroyed by illegal ATV use in Manorville Hills. I would like to submit these pictures of that portion of the path to the Legislators, so they may examine them at their leisure.

I appreciate the time that you have given me today. I hope that you will seriously consider reexamining the composition of this Task Force to ensure that a balanced discovery process takes place. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Dr. Allison, followed by Eric Stahl.



**DR. ALLISON:**

Hi. I'm Dr. Cyla Allison. Good morning. I'm a resident of Northport, New York, a former President of Nassau-Suffolk Horsemen's Association for 12 years. I sit on the New York State Trails Council. I am a researcher with a group called Enviro-Horse East, and assorted other things, such as riding with the Rough Riders.

I'm here to address, of course, the Task Force suggestion for ATV's. And somehow this got under my radar screen and I did not have time to prepare an individual statement for you, but I did send a letter that was not printed by Suffolk Life in response to Tom Riker's article there about the ATV use. If you are proceeding to have a Task Force, I would like you to consider some of these things, and I am not -- I'm trying not to repeat anything that anyone else that I know who's coming here today will say, so we want to keep this short, because I know you want to go home some day.

The off-road vehicle organization article that was printed there is limited in scope. To be fair, the reporter needed to call others who are more intimately involved in the problem of finding a place that is suitable for ATV riding. I know that representatives of this ATV group attended only two Protected Land Council meetings where use of the Pine Barrens is debated, where education about the Pine Barren occurs, and where ultimately policy is recommended to the 12 involved landowners of public property.

As a volunteer, I have been attending monthly since 1994. I have educated the members and promoted my equestrian interests there to them, and it wasn't easy. Getting cooperation is not easy for equestrians or mountain bike enthusiasts either, but we put in our time and do the homework, which I fear the ATV interests have not done. I support sensitized -- sensitive motorized use in some areas of New York State. I ride all over New York State and I share trails with ATV's in places like Otter Creek. But I have suggested to the PLC that we keep in mind possibilities for the ATV users in places such as, I don't know, landfills or quarries, if all else is impossible. The ATVers were not even there to hear me support them. However, I must contest, their leader who's here today, I'm not calling names, Tom Riker's here, you'll hear from him later, that -- he said that ATV's, this is quoted by him, cause no more erosion than horses. I request that he provide the scientific evidence for that statement. He could say that he believed that penguins road Moby Dick, but that doesn't make it true.

The correction is this: Erosion is caused by water, some by wind. Users of any type, including leprechauns, can set up the trail for the channeling of water that causes it to erode. Proper trail

placement, trail maintenance and proper use will decrease erosion by any user group. But, please, don't misinform the public to promote your own interest. Horses need only an 18-inch tread, ATV's at least five feet.

**P.O. CARACAPPA:**

Doctor.

**DR. ALLISON:**

A horse picks up his feet one at a time and sets them down.

**P.O. CARACAPPA:**

Dr. Allison?

**DR. ALLISON:**

Yes. It's only going to be another 40 seconds. I want to hand over the research and I'm done; is that all right?

**P.O. CARACAPPA:**

Sum up, please. Thank you.

**DR. ALLISON:**

Okay. In 2002, there were 5,905 registered ATV's in Suffolk, with another 2,500 in Nassau. The question of providing a public venue is incredibly complicated. For example, in 2000, there were more than 254,000 ATV related injuries in America. It cost the U.S. over 6.5 billion in medical and legal and work loss expenses. Children under 16 accounted for approximately 40% of the total ATV related injuries and deaths. Injury statistics, and I have a reference here, show that the rate of injury increased more rapidly for motorized recreational vehicles than for automobiles. The study termed ATV's a major health hazard for children.

I sympathize with the wish of off-roaders for a place to play, but we must keep in mind that simply because a person buys a toy, our government is not bound to give them a place to play with it. Not all uses are appropriate everywhere.

On this committee arrangement, as Ken pointed out, I see no provision for a representative of the other passive user groups who have acted for years as steward of this land.

**P.O. CARACAPPA:**

Doctor, please come sum up, you're well past your time.

**DR. ALLISON:**

Sorry. I just hope that you approach this question with a science-based approach. Emotions can run high, misinformation can distort our thinking. And I'm just going to hand over some research and the paper and you can read it at your leisure. Thank you so much.

**P.O. CARACAPPA:**

Thank you very much. Eric Stahl, followed by Tom Riker. Mr. Stahl.

**MR. STAHL:**

Good morning. My name is Eric Stahl. I'm a resident of Suffolk County, I live in Northport, and I'm the Executive Director of the Nassau-Suffolk Horsemen's Association.

I understand that this Task Force will be looking into off-road vehicle use. Having been along trails in all parts of the County, I can see the erosion that's happened, and I can see the things that are going on. Some of the things that I think that you need to look into as you're -- as this Task Force goes on, is will opening up one area substantially reduce the amount of illegal ATV use that's going on? Will the kids who are up against Brookhaven State Park, will they wait for their dad to put their bikes on a trailer and take them to wherever this place is going to be? Is the area that's going to be provided for them exclusive use for ATV's. There are no exclusive use for horseback riders. There are exclusive uses for hikers. We share the -- we, the horsemen share with hikers and bikers.

Who's going to maintain the trails? We know that erosion happens. All you have to do is look at Brookhaven State Park, Hampton Hills, Robert Cushman Murphy, the Peconic River Corridor. Any area that you dedicate to legal ATV use is going to have a high amount of use. It will become a sand pit, unless the trails are maintained.

In order to reduce erosion, we know that reducing speed is imperative. An ATV going four miles an hour like a horse going clip-clop-clip-clop may not do much erosion or damage, but the ATV going 30 miles around -- miles an hour around a bank turn is going to throw dirt sky high.

Who's going to enforce speed limits, or are there going to be speed limits?

Will permits be required for the use of the park? I need so many permits right now to ride my horse. I need a Green Key, I need a horse permit for County parks, I need permits for State parks, for DEC land. Will permits be required? Are the permits going to be the same as horses? You have one amount for residents and another amount for nonresidents. Just questions I was thinking that you'd want to look into.

So, as this Task Force goes through, these are some of the things I think you need to look into. Thank you very much.

**P.O. CARACAPPA:**

Thank you, Mr. Stahl.

***(Applause)***

Tom Riker, followed by Trevor Hubbard. Mr. Riker.

**MR. RIKER:**

Good morning, Legislators. My name is Thomas Riker. I'm born and raised on Long Island. I've been riding off-road motorcycles for 36 years. I'm a member of Long Island Off-Road Vehicle, I'm a member of the Eastern Long Island Motorcycle Club.

I got my first bike when I was ten years old. My father made a deal with me. If I saved enough money for a helmet, glove and goggles, he would buy the bike. I spent my whole summer cutting lawns, delivering papers, running errands to get that bike. At the end of the summer, I got my first bike. I'll never forget, it was a QA50 Honda. It was a little teeny thing and I loved it. My father, brother and I would go work all week on our bikes, so we could ride on Saturday. Rain or shine, we'd ride. It was something that we did six or eight hours. It was a family activity that we would do.

I'm now 46 years old, I'm married, and I have two children. I live in Miller Place. I look back now and I realize how good that we had it back then, having a facility and having the opportunity to spend time with my family in the outdoors. We enjoyed nature, and at the same time, we got exercise. I learned responsibility and respect at a young age.

Long Island has changed over the years and it's still changing. It seems wherever you look, there's a building going up, a house, a mall, a shopping center and a restaurant. The family structure on Long Island has also changed. With single parents, working parents, it often leaves the children with limited family time where they can spend together. Kids are either playing video games, being shuffled off to after school activities, or having fun with their friends, not leaving much time for true family activity.

ATV riding is attractive to kids. It's colorful, it's exciting, and it's great family fun, and with the right protective gear, it could be very safe.

I often read letters written by the non-ATV community and information that's been stated today, stating their frustration with ATV's. I'd like to make my point made that I think a big part of this is because the ATV community is riding in areas that they should not be riding in. They're not designated areas for riding.

We talk about erosion, we talk about environmentally sensitive parcels. We need to address these as a group, because environmentally sensitive parcels are not suitable for our user group, just as other parcels may not be suitable for other user groups. I could understand their frustration.

As I see it, the Task Force would address the concerns of all interested parties and look into the feasibility of establishing an ATV park in Suffolk County. I can tell you it can be done and it is being done across the United States. New parks open all the time. In California alone, off-road trail system has generated over one billion dollars for the state, just in California. I feel, if structured properly, and if all concerns are addressed, it would not only be a success, it could be a financial asset to the community.

I'd like to make one other statement. There's a lot of people here from the ATV community. I'd like them to stand up now, so that you know they're here. They're not all going to speak today. We have representatives from dealerships, we have representatives from all forms of life. These are the people that you live with, they're your neighbors, they're the people down the street. They're all family members and they all pay taxes. I thank you for your time.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Mr. Riker. My first bike was a KDX80.

**MR. RIKER:**

Was it?

**P.O. CARACAPPA:**

Kawasaki.

***(Applause)***

Remember the old KDX's? Trevor Hubbard.

**MR. HUBBARD:**

Good morning. My name is Trevor Hubbard. I'm 35 years old. I live in East Northport, New York, lived there all my life. I've been riding since -- riding off-road vehicles since I was 11 or 12. My father and mother wanted nothing to do with it, it was something that I, like Tom Riker and many others, had to earn. And the respect that I got from my parents by doing that safely and legally at the time was enormous.

One of the issues, that we don't disavow any of the facts and issues that the horsemen, the equestrians, the hikers all of these people are absolutely correct. We embrace their issues. We want to be as one with everybody else who has a place to go.

There's economical issues that everybody seems to think that there's no money. We pay \$5 for every registration, for every ATV on Long Island and in New York State that's registered. Five dollars goes to a supposed Trail Fund. Long Island has no trails, so, therefore, where does the money go? Also, it could be paid for out of the gas tax. Everybody knows about the gas tax. Where does it go? It goes to funding all of these projects.

We need safe and legal riding areas. People are getting injured, kids are getting injured. It's a hundred percent right. Why? Because they've got no place to go. That's just the reality of the situation.

I want to thank everybody for taking the time to listen to us, and for those who took the time to come from work and home, leave their families, it's very important to us and to the members of the community. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Sergeant Arthur Pendzick, followed by Gary from Riverhead. I can't make out the second name. Cotton, Coton?

**AUDIENCE MEMBER:**

He's not here, he had to leave.

**P.O. CARACAPPA:**

He left? Sergeant.

**SGT. PENDZICK:**

Good morning. My name is Arthur Pendzick. I'm a Sergeant with the Suffolk County Park Police. I'm also a member and a representative of my department for the Pine Barrens Law Enforcement Council, and for the last year-and-a-half, I've been head of the Inter-Agency ATV Task Force, going out, looking for the illegal ATV operations.

Being that my department has over 46,000 acres in the park system, we have -- we probably handle the greatest amount of complaints. We get hundreds of complaints from homeowners and people who use the Pine Barrens and undeveloped areas all the time. The main problem seems to be the noise complaint. These come from the homeowners, businesses, and civic associations, and anybody who lives in and around anywhere the areas where ATV's are being used.

ATV's are also a great threat to the hikers, the bicyclists and horseback riders that use these areas. Many of these people have horror stories. They can tell you of near and collisions with the ATV themselves while on these narrow trails.

Damage to the environment is a big issue. Erosion on the steep slopes and fragile soils, it exposes plants, it causes deep ruts in gullies. Displaced soil finds its way into the waterways,



which eventually affects the fish and vegetation that inhabit our lakes, streams, and ponds. Soil compactation, it affects the growing of plants and microorganisms that they feed on, and it crushes the roots and vegetation that thrive in these delicate areas.

Pollution from ATV's is also a big factor. Oil, antifreeze, and other chemicals do leak from these, and ATV's are powered by highly inefficient two-stroke engines, so that any fuel and oil that is not a totally -- that is not totally burned off, it does make its way into the ground and water systems.

Wildlife damage is also of concern, decreased reproductive success in many animals. Some are chased away or frightened away. Others are disturbed during sensitive times, like when they're bearing and caring for their young. Noise has been proven to affect the ability of wildlife to locate prey, to avoid predators, to find mates, and perform other critical life functions. That change in the habitat affects the vegetation, causes life -- wildlife to result in increased mortality rates and decreased reproductive rates. We can go on and on in the environmental things.

I understand most of the Legislators have gotten one of these books that was put out by my department a couple of years ago. I got a few extras. I'll leave them here for anyone who doesn't have them. It goes into great detail on environmental impact of the environment with the ATV's.

ATV's are also responsible for many fires. ATV's can cause sparks, especially through the hot exhaust and manifolds. Careless ATV operators in remote areas have been known to have ground fires, which they have left unattended or thrown cigarette butts into dry areas, which have caused many, many brush fires through the years.

ATV's also travel very long distances. When you get on an ATV, you don't stay in a very small area, you go for miles and miles and miles, causing damage wherever you go. I had one incident years ago where I got a guy from Brooklyn who was apprehended in Hampton Bays, over 60 some miles on an ATV.

The biggest thing with the ATV's are the injuries that are caused. There are many reported injuries every single year, some very serious, and we've even had fatalities. In the last two years, we've had two individuals that are paralyzed from the waist down. I handled a case last year where a 14 year old boy had his leg severely crushed. One individual even fell off his ATV



in the Manorville area, hit his head on a rock and was pronounced dead at the scene.

Because of these injuries, there's a liability factor and many lawsuits do ensue no matter what.

**P.O. CARACAPPA:**

Sergeant, please sum up, your time has expired.

**SGT. PENDZICK:**

Okay.

**D.P.O. CARACAPPA:**

Thank you.

**SGT. PENDZICK:**

In conclusion, like I say, I'm not in law enforcement and I feel that the ATV's are very dangerous. Many of the riders are untrained and inexperienced and unlicensed to operate an ATV. Many accidents, injuries are created and a potential threat to anybody who is in the areas of the ATV's used is always possible. The environmental damage and impact is a great one, and with more and more ATV's being sold, and bigger and faster and more powerful ones being built all the time, this is a problem that just doesn't seem to go away.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Was it said earlier that Mr. Gary {Coton}.

**AUDIENCE MEMBER:**

Cotugno.

**P.O. CARACAPPA:**

Yeah, from --

**AUDIENCE MEMBER:**

I'd speak in behalf of him.

**P.O. CARACAPPA:**

If you didn't fill out a card --

**AUDIENCE MEMBER:**

Yes, I did.

**P.O. CARACAPPA:**

Oh. Then I'll get to you. Thank you. Then, next speaker is C.W. Uhlinger. Uhlinger.

**MR. UHLINGER:**

Good morning, Mr. Presiding Officer, and Ladies and Gentlemen of the Legislature. My name is Bill Uhlinger. I'm a past President of the Nassau-Suffolk Horsemen's Association. You accommodated Dr. Allison, so I won't speak for a long period of time. I'd like to say that I'm sure by now you realize that this will be a somewhat contentious process. It's gratifying to see the ATV users finally coming before in in an organized fashion and asking for this Task Force.

I do have to agree with Mr. Handler, however, that the composition of the Task Force does not provide for any enforcement or user group representation. And while you have provided for environmentalists, it is a rather vague term. An environmentalist may not be educated to those other issues and other -- have expertise in those areas. I think that since there will be contentious issues raised, it would be beneficial to the Task Force to, if not just hear from people of other viewpoints, but actually have representation on that Task Force, so there can be personal contact back and forth, and misinformation can be dispelled, and whatever decision the Task Force might make, will have some credibility and be based on scientific fact and experience, rather than the prejudices and attitudes that have developed over the past. I think that could very well change.

I think the ATVers are commended for coming before you in this fashion. However, I think that the Task Force really needs to broaden its representation to come to a conclusion that would have credibility with everybody. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, sir. Peter Quinn, followed by Christine Sosik. Mr. Quinn.

Good morning, Peter.

**MR. QUINN:**

Good morning. Mr. Presiding Officer, Members of the Legislature, my name is Peter Quinn, a member of the Long Island Coalition for Democracy.

I always marvel at the extent to which party power plays in politics. I had in mind particularly the way in which the County -- the former County Executive, Republican, decided that the police contract, which had been arbitrated, decided that rather than give the new County Executive an opportunity to have his say, they simply slid it under the door two weeks before he came into office. That is an outrage, because there was a potential for saving of money from the police contract. Similarly, you created a Rules Committee when the election took place, when the -- you had the -- you already had the power with eleven to seven votes, before the Honorable Maxine Postal died, and that increased your margin to 11-6, with a new election forthcoming in that district. You didn't have to create a Rules Committee in order to eliminate or curb descent from your loyal opposition, but you did. But I think the public should know what you've done, because the new County Executive is going to have to deal with that contract for over the next four years. And I think that's outrageous, because you're always talking about saving money, and you had that opportunity and you blew it.

But on another matter. The IDA, which I have spoken about before this Legislature many times, the Industrial Development Agency, and now I used to talk about Computer Associates before this Legislature, sure enough, they're in the paper again. At the time, I said that they were under federal investigation for fraudulent accounting practices. They were -- their top three officers took 1.1 billion dollars out of the company. There were stockholder lawsuits and they laid off 4,000 workers, which is the basis for getting an IDA grant of tax relief. They got \$750,000 to help refinance the debt, which the officers, had they not taken so much money, could have paid for itself -- themselves.

In addition, you recently, and I complained about it in November to this Legislature, the IDA was giving KeySpan a bond. It turns out both Nassau and Suffolk agreed to give 178 -- 128 million dollar bond to KeySpan to build two, 79 dirty megawatt plants up in Port Jefferson. And there are a number of us who have been fighting against those 79 dirty megawatt polluting plants for sometime. And, yet, this County ended up providing a 75 million dollar bond to help out KeySpan, which Richard Kessel says a wonderful thing, and, yet, I'm bothered about the extent

to which an IDA should be involved in giving a private company like that, which overcharges us on our gas, because now LIPA has a lawsuit of 137 million dollars against the company for over-billing. It just seems to me the one way you can save money is to eliminate the IDA, or at least call for a three-year moratorium until such time as your -- you have a sound budget basis. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Pete. Christine Sosik, followed by John McKenna.

**MS. SOSIK:**

Good morning, Members of the Suffolk County Legislature. My name is Sosik. I'm President of the Ridge Civic Association, and I'm here on behalf of the members of the Ridge Civic Association to oppose spending any public funding on the task force proposed under this resolution, 1838-2003. Why should even one dollar of taxpayer money be spent on this Task Force? For years, various passive recreational user groups have been doing the same thing through private funding and volunteerism, creating our own task force and friends groups, and promoting their ideas to the government.

As a taxpayer and a long-time volunteer who spent hundreds and hundreds of volunteer hours, I take great offense of any group seeking public funds, quote, for the provision of secretarial services, travel expenses, retention of consultants to assist the Task Force. I'm further concerned with the idea that clerical services involving month to month operation of the Task Force, as well as supplies, postage as necessary, provided by the Suffolk County Parks, Recreation Conservation Department. How much for how long? Final offense is that the Task Force may conduct hearings and meetings any place within the County at any time that they deem necessary.

There's also a reference to a SEQRA law on there, where I'm not really clear about it. Is that stating that the ATV use area will be exempt from SEQRA law and SEQRA review of New York State? In this time that our County is facing some of the biggest budget shortfalls in history, do we really think it is necessary to spend public funds to create an exclusive ATV park funded by

the County? It would be exclusive, because ATV's are not compatible with other more passive uses, such as picnicking, hiking, bicycling and horseback riding. You can fish, you can hike, you can ride your horse without impacting any other person's experience without them even knowing you're there, yet, when you ride an ATV, all the neighborhood knows you're there, all the other experiences have been diminished.

I'm constantly approached by residents who have been chased down on trails and on roads by angry ATV people, and people who complain that they spend their weekends listening to the incessant roar of ATV motors.

Will ATV's -- I mean, will they do things if they get a park, like install mufflers and ride at slow speeds? How will it be enforced? Has anyone researched what happens at -- when ATV's were granted limited access to the DEC land in Manorville, I know that somebody had permits. Back in the '80's, the DEC had given some limited trails to the ATV's. They revoked permission for this use, because as the trails were destroyed, ATV's found other trails to ride on. Twenty-five years later, these trails are still unusable, even for hikers.

Creating a Task Force at this time is extremely premature. We need only to watch other areas to learn by example. For instance, in Maine, there are over twenty-two hundred miles of ATV trails. In Maine, there is an epidemic of irresponsible ATV use on restricted land and private land. Legal trails are a magnet to ATV users everywhere, and these users did not respect the difference between legal trails and private and restricted areas.

Imagine if Suffolk County was designated a 100 acre parcel for ATV use. How long would it last until the ATVers got bored and started riding in restricted areas? Building an ATV park won't solve the issue of ATV's leaving their backyards and entering the Pine Barrens whenever they want.

I think it's admirable that various off-road user groups have stepped forward to try and organize this large group. However, the first step they should be taking is the education of their members of the law that it is illegal to ride on public land in Suffolk County. ATVers know it is dangerous for law enforcement officials to pursue them and they play a game of running from the police. In fact, many law enforcement officers have been seriously hurt in pursuit of these trespassers.

**P.O. CARACAPPA:**

Miss Sosik, please sum up, your time has expired. Thank you.

**MS. SOSIK:**

The burden of organizing and creating this Task Force should not be on the County, but on the user groups. The County needs to focus its funding and energy on enforcement, and finding ways to make people register these vehicles at a higher fee to pay for the enforcement. We respectfully request that you vote no on Resolution 1838.

**P.O. CARACAPPA:**

Thank you. John McKenna, followed by Mr. Stadler.

**MR. MC KENNA:**

Good day, everybody. Thank you for addressing us. I want to thank the Suffolk County Legislature and the Long Island Off-Road Vehicles for organizing this, putting this together. This is long overdue.

My name is John McKenna. I'm a Suffolk County resident all my life, I'm 47 years old, and I've been riding off-road vehicles since I was 14. I paid for it all by myself, cutting lawns and paper route, and, as I said before, riding for 33 years.

It has been addressed that horses and ATV's don't mix I agree completely. I ride horses and ride ATV's. The only way to address this issue is to have a legitimate place to separate both these riders. When an ATV encounters a horse, the horse rider usually comes out on the bad end of the -- the horse being startled by the ATV.

Noise has been brought up before and is definitely an issue. It is the number one enemy of off-road riders, and, yet, it is something that a lot of us still have to address ourselves individually.

It has been mentioned that other areas, Upstate, New York, Connecticut, Massachusetts have legitimate places to ride. What we're asking here with this Task Force is not to break any new ground, but, rather, by using -- learning from how other areas have done this before. We can follow their road map and the County can make money on this.

ATV numbers are growing. This is not an issue that's going to go away. In 1986, this -- a similar meeting was brought up here in the County, nothing came of it. The proper way to get

people off the Pine Barrens and out of these conservatory areas is to have a legitimate place. As far as the people who continue to still ride off-road, then deal with them as -- on criminal acts as they're -- as you should.

These Suffolk County residents here come forward in a responsible fashion, looking to be heard, looking for something. These are all taxpayers. We are all taxpayers and residents here of Suffolk County. And, as was said before, there are 46,000 acres of parkland in Suffolk County. It shouldn't be too difficult to put this together and find a legitimate place for us to ride.

Also was said that monies being spent, that no money should be spent when the County is in a fiscal crisis like this. But it's also been said that ATV riders are being charged a registration fee, and those monies have been either put into a General Fund, or, certainly, haven't been in our favor, used in our favor.

In other states, clubs work with park rangers to work on erosions. Suffolk County can use ATV's, can use our clubs to work with and to maintain trails. It's been done for years out west, it's been done in Massachusetts and Connecticut. ATV's do -- it was mentioned by the ranger here that ATV's can start fires and sparks. All ATV's come with U.S. Forestry approved spark arresters. Nowadays, most ATV's are four cycle engines, no longer are the two strokes, no longer smoking, they don't pollute. And if the County can make it mandatory to have rider education --

**D.P.O. CARPENTER:**

Mr. McKenna, could you sum up, please?

**MR. MC KENNA:**

Okay. Again, what I was just saying, that rider education can be a must on the part of the County. There are many organizations that do have legitimate ways to teach riding courses for safe ATV riding. If it was mandatory that you prove that you took a course every three years, you would cut down on your liability. And, again, what we're asking from the County is not to break any new ground, it has been done elsewhere. Thank you for listening to me.

**D.P.O. CARPENTER:**

Thank you.



**MR. MC KENNA:**

I appreciate it.

***(Applause)***

**D.P.O. CARPENTER:**

Thank you next speaker, Alan Stadler. Alan Stadler. Good morning, Honorable Suffolk County Legislature. Special condolences to Mr. Losquadro. My sincerest condolences, Mr. Losquadro.

I was going to talk about the ATV's, but after seeing this crowd, I'm afraid of getting skid marks across my body, so I'm going to Plan B. Plan B is about EPCAL. It is a result of -- I live in Ridge, by the way, and that would be Eastern Brookhaven. It is a result of shoddy planning, lack of judgment and vision to allow the majority of vehicle access in and out of EPCAL by means of utilizing only New York 25, Middle Country Road. Appropriate to Suffolk County and the neighboring communities in the Town of the Brookhaven is a route that provides somewhat direct -- excuse me, north-south access to and from EPCAL, to ultimately merge with the Long Island Expressway, which is I-495, obviously, a planned route that could offer as direct as possible north-south access to the L.I.E. in and out of EPCAL.

Environmentally, the right-of-way of a particular route may have some constraints that could be resolved via cooperation, conciliation and compromise. Realize that at least 90% of the total vehicular trips to and from EPCAL will originate from the west of EPCAL and return back to the west of EPCAL. Realize that Long Island's dead end and minimally populated areas are just east of EPCAL. Realize that I Riverhead Town's EPCAL is situated at the extreme western region of Riverhead, years away from the Brookhaven Town eastern border. For example, recognize the resulting traffic congestion that Roosevelt Field and the Nassau Coliseum would have inflicted upon that region if a direct route, such as the Meadowbrook Parkway, and beyond did not exist. Another example, Plainview. A large industrial park thrives, but borders the L.I.E. and the Northern State Parkway.

EPCAL, according to the Riverhead Master Plan website, will eventually have peak, peak trips of 3,000 per hour during the Saturday -- during the Saturday peak hours, 4,000 round trips during



the weekdays.

To reiterate, a preponderance of automobile and truck trips will be accessing EPCAL from points due west, not from the Town of Riverhead, and not from points due east of Riverhead. Only the Town of Riverhead treasure chest and tax base will allegedly and selfishly benefit from EPCAL's thoughtless existence and build-out. The adjoining communities of Wading River, Calverton, and to the west, Brookhaven Town will undoubtedly suffer harsh social, infrastructure, and environmental consequences, because the preponderance of vehicular traffic will be forced to utilize Route 25, Middle Country Road.

Middle County Road, as planned, will provide practically the only access in and out of EPCAL. New York DOT has already officially acknowledged that New York 25 will have to be widened prior to EPCAL's completion. Consequently, Long Island's own remaining and rare pastoral rural and rural like environment west of the Twin Forks will be forever lost, stolen and destroyed.

**D.P.O. CARPENTER:**

Sir, could you, please, sum up?

**MR. STADLER:**

Could I just speak fast? I'll speak faster, okay? Because of EPCAL, New York State DOT --

**D.P.O. CARPENTER:**

No. Just sum up. Please sum up. Thank you.

**MR. STADLER:**

Okay. We're just urging you to basically protect our environment out in Eastern Brookhaven, which is the Town of Suffolk County. Make sure that Riverhead does attempt to consult with you, Suffolk County. And Riverhead should be aware that Brookhaven and Suffolk County is an official party of interest towards EPCAL.

**D.P.O. CARPENTER:**

Thank you.

**MR. STADLER:**

You're welcome.

**LEG. COOPER:**

Sir, what is EPCAL?

**MR. STADLER:**

Oh, Enterprise Park at Calverton, the Grumman property.

**LEG. ALDEN:**

That's enough.

**D.P.O. CARPENTER:**

Excuse me.

**MR. STADLER:**

It's going to be redeveloped.

**D.P.O. CARPENTER:**

Excuse me. We're not supposed to be questioning the speakers. Thank you.

**MR. STADLER:**

Thank you.

**D.P.O. CARPENTER:**

Next speaker is Mike Giacomaro.

**MR. GIACOMARO:**

Mr. Presiding Officer and Legislators, my name is Mike Giacomaro. I'm President of the East Yaphank Civic Association. East Yaphank is located off the L.I.E., Exit 68, by William Floyd Parkway on either side. We have the Seventh Precinct and the Brookhaven R and D Plaza and Dowling College located in it.

I'd just like to relay a little story. About ten years or so ago, a house that was being built next to me was nearing completion, and the realtors were deciding to show the parcel -- show the property for it to be sold. And what happened is that one day, it was a Saturday, I'm sitting in

my chair watching some television, and all of a sudden, this person pulls into my parking -- my driveway and parks in my driveway, gets out of the vehicle and walks around to look at the house. So I get out and I ask him, "What are you doing?" "Well, I wanted to take a look at this house, so I decided to park in your driveway." I said, "Well, that's not very nice."

Well, to try to relate this, I'm here to talk about ATV's. Residents in our community are constantly bothered by ATV's. Along the railroad tracks that run by the Expressway, we have residents who have constantly ATV's going back and cross, cross their property. We also have another parcel on another side that there's a narrow piece of land between two roads and they've created another road, path. The Town of Brookhaven has tried to circumvent them from using that path, but they still come.

There are some private companies, from what I'm told, that people can ride their ATV's on. They're close by, from what I understand, they're in Farmingville, or thereabouts, and people in the community can -- people who are using the ATV's can use these places, but they don't. They find the time to come into our community and run up and down the roads, run up and down the industrial park by the Seventh Precinct, too. And there are also places, from what I'm told, up the eastern seaboard in New Hampshire. This is for people who are responsible, who want -- who take responsibility to do things legal and to enjoy themselves, and they go to New Hampshire, they go Upstate, New York, they go to other places to enjoy the recreation that they've chosen for themselves. But most of the time, what it is is the kids in our community who are done with school and out they go with their dirt bike or their -- or their quad and they get on that vehicle and they ride up and down the community, not just one, it's usually with their friends.

Something needs to be done. Whether it's for one particular site, I'm not sure, but I think it's something that has to be done throughout the County for all communities to take place or take a part in. The only problem is that we don't want it in our community. Thank you.

**P.O. CARACAPPA:**

Thank you.

***(Applause)***

Halvor Foss, followed by Ray Martin.

**MR. FOSS:**

Good morning. My name is Halvor Foss, I live in Yaphank. I don't think there's an East Yaphank, but I live in Yaphank. I'm 34 years old, I just had a daughter, and I would like her to ride when she gets a little bit older. There's a lot of people in here that really don't know what they're talking about, and it seems like, across the board, everybody needs to get educated. So, by opening up a committee, that would be outstanding. There's a lot of other states on the northeast coast that have legal riding areas, including New Jersey, Pennsylvania, Connecticut, some places Upstate, New York. Why don't we have riding here? I spend over \$250 at least once a month when I go away riding. Why can't we keep that money here on Long Island? That's all I have to say. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Ray Martin.

**MR. MARTIN:**

Thank you for meeting with us today. I'm Ray Martin. I speak on behalf of everyone at Riverhead Honda, and friends and family that I also ride with.

I've been riding for ten years now. I race all every over the East Coast. Ride to New Jersey to go to the off-road vehicle park. There's no reason why you should have to travel all the way to New Jersey, over the Verrazano. Everyone knows, coming back from there on a Sunday is a three-hour trip. We pay taxes here on Long Island. Like they said, we have 47,000 acres. That's a lot of property, and is approximately tens of thousands of riders. And I'm also a member of the AMA, which has hundreds of thousands of riders.

My only problem, which I don't understand, is why we have all this property that's not being used for anything and we have rangers who are making us feel like criminals just for doing something that we all love doing. If you guys put something together, a yearly membership for children to ride, there's no reason why a young kid should not be able to ride a bike with his friends. It's a family sport. There's no reason why a kid should feel like a criminal to go riding. It's not about that. There's no reason like why people should have to go to New Jersey, New

Hampshire, Pennsylvania. If you set a yearly fee each time you road there, you paid a fee, it would be great for us to be able to ride somewhere. I'm a salesman at Riverhead Honda. We sell motorcycles, ATV's. There's no place to ride them. So that's basically all I'm asking, just to give us a place to ride, and that's it.

***(Applause)***

**P.O. CARACAPPA:**

Sarah Anker, followed by Dominick Venoti.

**MS. ANKER:**

Hi. I'm here representing Community Environment -- Community Health and Environment Coalition. And I haven't addressed the County on this issue. I live in Mount Sinai, which is considered a breast cancer cluster area, and I have addressed the Town and State and Federal, but I haven't come to the County. And I have some folders here for everybody, if you wanted to follow with me, but I'll try to be quick.

I'm going to read a letter that basically has been addressed to other forms of government regarding our community.

Our community needs your help. It has been over three years since the cancer mapping project was released, showing a breast cancer cluster in the Coram, Mount Sinai and Port Jeff Station area. The study shows that the breast cancer incidents in this community is 50% higher than expected, the highest in New York State.

In August, 2002, the State Department of Health held a public forum at our local library with 600 people attending. During the forum, many residents expressed their belief that pesticide applications from farms, golf courses, and residential properties may be contributing to the increase of cancer. Additionally, contamination from local power plants, superfund sites and waste sites were areas of concern.

New York Department of Health is still reviewing information, and has yet to conduct environmental sampling or study. According to the April 2003 status report, they are in the middle of Step 3, the input review and integration phase. The Task Force says they will make a decision by the end of the year, that's 2003 and that time has past, on whether or not to do an environmental testing. An update report was due to be released in December 2003, which it has

not been released. I was recently told over the phone the report will be out March 2004. The citizens of this community have waited long enough. We believe the Federal, State, County and Town government should treat the cancer, the breast cancer rate as an urgent public health issue. As a public representative, we need your assistance in expediting the follow-up investigation, as outlined in the New York Department of Health follow-up investigation, and you'll find that enclosed in the folders.

In addition to securing funds, we are asking that you, please, urge the New York State Department of Health to accelerate its review of the cancer mapping project, and begin soil, water and air quality studies in Mount Sinai, Coram and Port Jefferson Station.

Many towns and municipalities in Suffolk County have taken proactive steps related to the high incident of cancer, including collaborating with the cancer coalitions, and encouraging organic lawn care, as well as promoting health and environmental awareness forums. This basically is what I want the Legislature to consider.

Again, this problem has been going on, that the cancer maps came out September 2000. It's now 2004. We've gotten three updates so far, and they're included in -- the most recent one is April 2003. That's in the center binder of your folder. All the way in the back that's clipped is the original breast cancer report. That's the investigation that they had done in our area, behind that. That was December 2000. Further in the back, there's one dating, I think it's May 2002.

**P.O. CARACAPPA:**

Miss Anker, if you could just sum up, your time has expired.

**MS. ANKER:**

Okay. Basically, if you could review this information pack, and please contact me regarding this issue. It affects not just Mount Sinai and Coram, and they've upped it to seven zip codes, it's Suffolk County. There's also on the south and the east, there's a breast cancer problem. So thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Dominick Venoti. Dominick Venoti? East Northport. Going once, twice.

I have no other cards for speakers. Is there anybody else who wishes to address this Legislature on any item? Thank you for participation today. I'll make a motion to close public portion.

**LEG. CARACCILOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public portion is now concluded. I'd ask all Legislators, please report to the horseshoe.

**LEG. ALDEN:**

Mr. Presiding Officer.

**P.O. CARACAPPA:**

Take a five-minute recess.

**[THE MEETING WAS RECESSED AT 10:55 A.M. AND RESUMED AT 11:10 A.M.]**

**P.O. CARACAPPA:**

Henry, call the roll.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCILOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

(Not Present)

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. BINDER:**

Here.

**LEG. TONNA:**

Here.

**LEG. COOPER:**

Here.



**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**MR. BARTON:**

15 present.

**P.O. CARACAPPA:**

Did you call -- did you call a number?

**MR. BARTON:**

15. (Not Present at Roll Call: Legs. Losquadro and Crecca)

**P.O. CARACAPPA:**

Thank you. I'm going to make a motion to reopen public portion, second by Legislator Alden. All in favor? Opposed? Abstentions? We have one last speaker, John Napolitano.

**MR. NAPOLITANO:**

Dear Members of the Suffolk County Legislature, I wish to thank today all the members of this honorable house for their consideration in adopting the resolution renaming a portion of Motor Parkway in Ronkonkoma Lieutenant John P. Napolitano Parkway. I would like to tell you a little bit about John and his contribution to the community where he lived.

We live in a time when we chose our role models because of a God given talent in a sports arena or on a stage. It didn't matter who they were or what their ideals were, if any, what mattered was were we entertained. On the morning of September 11th, 2001, that all changed. Our new heroes wore safety helmets and badges. They didn't sing or dance, they couldn't hit a ball far, and some probably couldn't run very fast, but they all had one thing in common, courage. We now had new role models, and my son, Lieutenant John P. Napolitano was one of them. On that day, the Fire Department --

**P.O. CARACAPPA:**

Mr. Napolitano, please -- please, let me get you some order.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. CARACAPPA:**

Please, Ladies and Gentlemen.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

I'm sorry.

**MR. NAPOLITANO:**

Thank you. On that day, when the Fire Department of the City of New York bled, so did also many fire departments throughout Long Island. The Lakeland Fire Department was one of them. On that day, John wore two helmets, one representing the FDNY, and the other representing the Lakeland Fire Department. John joined Lakeland as a teen-ager while still in high school as a junior volunteer. He was an honor student in the Connetquot School District, but still he wanted to be more. I was to later learn the reason why.

I remember him coming home with all the fire equipment, protective clothing and odd shaped helmet. Soon there were alarms going off in the house, all different times of the day or night, sometimes in the worst of weather. Someone was in trouble. A house may be on fire. It didn't matter the age, the race, old or young, or whatever the risk. John and others like him were going to help. I think now about how special a person is who puts themselves in harm's way to save another. I wonder how special is that person who does it for free.

John became a role model long before 9/11. He became one the first day he put on his protective gear to face whatever the danger to save someone else. He became a role model by living an honorable life and always trying to be the very best that he could be in helping others to achieve their goals. John studied hard and was moving up in the Lakeland Fire Department. Soon he was accepted by the Fire Department of the City of New York. He married his high school sweetheart and together they brought two beautiful little girls into the world. John and Ann worked hard and bought a house in the community that John loved and served.

John was promoted rapidly in Lakeland. He held every rank, became its youngest Chief, then Chief of the department, and then one of Lakeland's Commissioners. John was also moving up in the FDNY. He passed the Lieutenant's tests, scoring very high, and was awaiting his promotion. John had formed a study group. They would meet at John's first command, Station 1 at Lakeland, and John would help these firefighters prepare for promotional exams. Many of these firefighters have credited John's efforts with their success.

On the morning of 9/11, just before John left for the World Trade Center, he called his wife's work number and left a message. John simply blew her a kiss.

One of the official FDNY photos of John shows him standing erect, wearing his Rescue 2 helmet and staring straight ahead, as if he was looking right at you, his face, an expression of determination. When you look into his eyes, you get a feeling that he's telling you not to worry, he will save you, as if he's telling you, "Don't be afraid, nothing will harm you, not while I'm here." When I look at the picture and into his eyes, I see the baby that I held in my arms, the little boy who was so loving and gentle, the teen-ager who never gave me any trouble and tried so hard at everything that he did, the young man who wanted to protect the community and did so, with not only courage, but with professionalism and honor, and the man who became a wonderful and loving husband and father, and for me, my best friend, and the person that I would admire most in my life.

I would like for anyone that would see a road bearing the name "Lieutenant John P. Napolitano" to not dwell so much on the tragic way he died, or even so much as it being a symbol of his courage, but rather as a tribute to the heroic way that he lived, a man who gave half of his life back to his community, who served with honor and aspired others to do the same, a good and decent man who loved his friends and family. And the reason why he served was because he also loved you. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Mr. Napolitano, thank you. Your son is truly a national hero, and it will be an honor for this Legislature to recognize him as that and within your community.

Motion to close the public portion once again by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? We are now moving to resolutions tabled.

**RESOLUTIONS TABLED TO JANUARY 27, 2004**

-

**1531 - Approving amended Cross Bay Ferry License for Bay Shore Ferry.**

**LEG. FOLEY:**

Mr. Chairman, before we move on to this, there are some Legislators missing from the horseshoe.

**P.O. CARACAPPA:**

Will all Legislators, please, report to the horseshoe? 1531, motion to table --

**LEG. ALDEN:**

Second.

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

-- by myself, second by Legislator Alden. All in favor? Opposed? Abstentions? 1531 is tabled.

**1838 --**

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

-- **Establishing Task Force to study need for an ATV park in Suffolk County.**

**LEG. CRECCA:**

Motion.

**P.O. CARACAPPA:**

There's a motion to approve by Legislator Crecca.

**LEG. LOSQUADRO:**

Second.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro.

**LEG. VILORIA-FISHER:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion --

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

There is a motion to table by Legislator Viloría-Fisher, second by Legislator Caracciolo.

**LEG. BISHOP:**

Can I make a motion to --

**P.O. CARACAPPA:**

Use the microphone, Legislator Bishop.

**LEG. BISHOP:**

Can we defer this vote until the end of the agenda?

**P.O. CARACAPPA:**

Just put it on the record, please.

**LEG. BISHOP:**

I ask that we defer the vote until after lunch. Motion to postpone.

**LEG. TONNA:**

Second.

**LEG. BINDER:**

Mr. Chair.

**P.O. CARACAPPA:**

I'll defer to the sponsor.

**LEG. BINDER:**

Mr. Chair.

**LEG. BISHOP:**

You know, I don't want to win a vote on the -- if he agrees to it, then --

**LEG. CRECCA:**

Yeah. Actually, the only thing I'd ask if we can do it about 12:15. And the only reason I say that, David, Legislator Losquadro, if we finish --

**LEG. BISHOP:**

That should be fine.

**P.O. CARACAPPA:**

Okay.

**LEG. CRECCA:**

Thanks.

**P.O. CARACAPPA:**

Okay. We'll skip over 1838.

**LEG. CARACCIOLO:**

Mr. Chairman, there's a motion on the floor.

**P.O. CARACAPPA:**

There is a motion on the floor. Motion to table by Legislator --

**LEG. BISHOP:**

No, motion to postpone.

**P.O. CARACAPPA:**

Table -- Counsel, there is a motion to postpone. I don't know if that's a valid motion --

**LEG. CARACCIOLO:**

Table takes precedence.

**P.O. CARACAPPA:**

-- in our Rules of the Legislature.

**LEG. VILORIA-FISHER:**

Mr. Chair, I would be -- I would withdraw my motion to table, and yield to the motion by Legislator Bishop.

**LEG. BISHOP:**

Thank you.

**P.O. CARACAPPA:**

Okay. There is a motion to postpone.

**LEG. BISHOP:**

Appreciate it.

**P.O. CARACAPPA:**

That will take precedence. There's a motion and a second.

**LEG. CARACCIOLO:**

Yeah. What is the rationale for the delaying the vote, for the wheeling and dealing between the

Minority and Majority Leader? And I use that term loosely.

**P.O. CARACAPPA:**

Legislator Bishop, there's been a question asked through the Chair, and feel free, if you'd like to answer it.

**LEG. BISHOP:**

There is Legislative dialogue, yes.

**LEG. CARACCIOLO:**

There is what, David?

**LEG. BISHOP:**

Legislative dialogue, if you will.

**LEG. CARACCIOLO:**

Yeah, trading, horse trading, that's what's going on.

**LEG. BISHOP:**

There is no horse trading.

**P.O. CARACAPPA:**

Okay.

**LEG. BISHOP:**

I don't own any horses.

**P.O. CARACAPPA:**

There's a motion and second to postpone 1838 until later in the session. All in favor? Opposed? Abstentions? I'll oppose postponing it.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**



**1851 - A Charter Law facilitating partial County funding of voluntary public financing for County elections through County --**

**LEG. VILORIA-FISHER:**

Motion to approve.

**P.O. CARACAPPA:**

-- **contract processing fee.**

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Motion to approve by Legislator Vilorio-Fisher, second by Legislator Caracciolo. Motion to table by myself.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor?

**LEG. BINDER:**

Is that table or table subject to call?

**P.O. CARACAPPA:**

There's a motion to table subject to call?

**LEG. BINDER:**

I'd make a motion to table subject to call.

**P.O. CARACAPPA:**

There's a motion to table subject to call, which takes precedence. I'll --

**LEG. ALDEN:**

Second.

**LEG. CARACCILOLO:**

Roll call.

**P.O. CARACAPPA:**

Second by Legislator Alden. Roll call.

**LEG. VILORIA-FISHER:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I ask my colleagues to vote this up or down, rather than make a motion subject to call. You either agree with campaign financing or you don't. You either believe that we need to raise the funds to make the voice of the people be heard. It was through a referendum that this County established a Campaign Finance Board. However, we as a Legislature have not had the will to finance it. This bill seeks to find a way to finance it. If you don't want to see this bill go, just vote against it. I say we vote it up or down, rather than play games and have it subject to call.

**LEG. TONNA:**

On the motion.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Okay. I just want --

**LEG. VILORIA-FISHER:**

I just wanted to -- I'm sorry, I wasn't quite finished. The fees, if you look at the resolution carefully, are not exorbitant. They begin as low as \$100 -- \$50, I'm sorry, for a contractor who

is under contract at an amount equal or greater than -- equal to \$10,000, but -- and not exceeding \$49,000, so it's certainly not exorbitant. It's not going to change the economic face of Suffolk County. I'm just asking that we vote this up or down.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Yeah. And I agree with Legislator Fisher, we should vote it up or down instead of prolonging it. I am opposed to this. I've been opposed to this for a number of years, and the reason is we've already had a referendum vote. We asked the taxpayers whether they wanted to pay, they didn't want to pay. You know, contractors, most of them are subject to an RFP or, you know, some type of request for proposal. I don't think it's fair that they should pick up the cost of this. You know, there is an unfair and I think unjust conjunction of saying somehow contractors are influencing campaign finance, or whatever else. You might not -- maybe you laugh at that, somebody might laugh at that, but I just -- I don't see this. People want to pay for it, they should pay for it. Elected officials, if, you know -- they should be.

**LEG. CARACCILOLO:**

Mr. Chairman.

**LEG. TONNA:**

They should be -- people who are running for election should be subject not to have taxpayers or contractors, or anybody else, because it's going to ultimately come back to the cost of the County.

**P.O. CARACAPPA:**

Legislator Crecca, Caracciolo and Lindsay.

**LEG. CRECCA:**

Yeah. I agree with Legislator Tonna and also Legislator Fisher, we should vote it up or down, especially if that's what the sponsor's requesting, then we should do that. So I will support -- I won't support a motion to table. I think it's better that we address this today. While I agree with Legislator Tonna about -- I don't necessarily agree with the merits of the bill, but I think we should face the issue head on today.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

The sentiment to vote on this resolution today is helpful, however, what has been lost so far in the limited discussion is the fact that this is a referendum, and that we, as the people's representatives, have a responsibility to give them the ultimate voice in whether or not they believe this is good legislation or otherwise. So I would encourage my colleagues to support it and let the people of Suffolk County decide. Thank you.

**P.O. TONNA:**

Thank you. Legislator Lindsay, then Binder.

**LEG. LINDSAY:**

Just a question, maybe through the Chair, to the sponsor. I was scanning the bill. Who would be the keeper of the financial trust?

**LEG. VILORIA-FISHER:**

I'm not certain what you --

**LEG. LINDSAY:**

Where would the money go? Who would hold the money and allocate it?

**LEG. VILORIA-FISHER:**

It would be going to the Campaign Finance Fund.

**LEG. LINDSAY:**

It would?

**LEG. VILORIA-FISHER:**

Yes.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Thank you, Mr. Chairman. First, what I will do is I will withdraw my motion to table subject to call, since there seems to be a consensus to want to do this today.

Second, I disagree with the referendum theory of government, that if any Legislator here puts out something and puts on it that it's a referendum, then it per se should be voted up and let's see if the people want it. I mean, if Legislators severely disagree with something, that doesn't mean that they're still requiring to put it out for some public referendum. And I severely disagree with this legislation.

I disagree with having taxpayers, as they said, in a two to one vote, over 60% two times, with different language both times, saying that the people of Suffolk County should not be taxpayer financing. And right now, by the way, we are through our Campaign Finance Board, it's costing over \$300,000, so the people of Suffolk County are ending up paying for this fictitious Campaign Finance Board some fictitious thing it's doing. I'm not sure what it's doing for campaign finance in Suffolk County.

And particularly with regard to this bill, using contractors to finance, basically taking away their freedom of speech, forcing them to finance campaigns they wouldn't normally want to finance, they wouldn't want to be involved in, is absurd. To say that you're either -- you have to pay to play, because that's what this is, you have to pay into a system that you may not agree with, if you want to contract. So what if we have a contractor who says, "You know what, I just morally don't like this and I don't want to"? They could be the best contractor at the best price, the best quality, and we may lose them. Why? Because they say, "You know what, it's not worth it, if I have to do something that completely an anathema to what I believe. It's wrong and I won't be a part of that system." And so they'll go to Nassau County and other places and they'll offer their services. You don't do that to contractors. There's no -- should be no connection between contractors and paying to play in the system. And so I would hope that we'll defeat this. As I said, I've withdrawn the motion to table subject to call --

**LEG. VILORIA-FISHER:**

Mr. Chair.

**LEG. BINDER:**

-- and I hope this will be defeated today.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Would that that were true, would that there were no pay to play fees, but this is just putting it on the table. This is codifying that there is an open and transparent process, and it seems unlikely to me that anyone who is looking for business, looking for a contract, would go elsewhere and turn down a contract because there's a \$50 fee. It really doesn't seem to me to be within the realm of reality.

**P.O. CARACAPPA:**

Anyone else?

**P.O. CARACAPPA:**

There's a motion to approve.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

And a second.

**LEG. CARACCILO:**

Roll call.

**P.O. TONNA:**

Roll call.

**LEG. CRECCA:**

It's on the motion to approve, right?

**P.O. CARACAPPA:**

There's a motion to approve.

**LEG. BINDER:**

The other motions were withdrawn, right?

**P.O. CARACAPPA:**

Yes.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

I'd have to say no at this point.

**LEG. O'LEARY:**

No.

**LEG. LOSQUADRO:**

No.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. BINDER:**

No.

**LEG. TONNA:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. LINDSAY:**

Yes.

**MR. BARTON:**

Seven.

**P.O. CARACAPPA:**

Motion fails. **2029 (Requesting Legislative approval of a contract award for Pharmacy Consultation Services for the Department of Health Services, Division of Mental Hygiene Services and the John J. Foley Skilled Nursing Facility).**



**LEG. FOLEY:**

Mr. Chairman, I have to make a motion to table for one round. I just have some follow-up questions for the Health Department.

**P.O. CARACAPPA:**

Motion by Legislator Foley to table, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**2050 (Authorizing acquisition under the Greenways Program in connection with acquisition of Farmland Development Rights at Center Moriches (Town of Brookhaven)).**

**LEG. CARACCIOLO:**

Motion to table until after the lunch break.

**P.O. CARACAPPA:**

Okay. Just so everyone -- we'll have to do Procedural Motion 10 before we do the resolution.

**LEG. CARACCIOLO:**

Okay. Motion to table that as well.

**LEG. BINDER:**

Postpone.

**LEG. CARACCIOLO:**

Motion to --

**LEG. BINDER:**

Postpone.

**LEG. CARACCIOLO:**

Postpone or postpone until after the lunch break.

**P.O. CARACAPPA:**

Trading -- for horse trading purposes?

**LEG. CARACCIOLO:**

No, to review the appraisals, which I just received yesterday.

**LEG. BISHOP:**

Oh, sure, sure.

**LEG. CARACCIOLO:**

I'm just joking, Mike.

**LEG. CARACCIOLO:**

Different motive entirely.

**LEG. FOLEY:**

Mr. Chairman, the Real Estate Division --

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

The Real Estate Division will be available, obviously, to talk about those things. After lunch, they'll be here.

**P.O. CARACAPPA:**

Very good.

**LEG. FOLEY:**

Okay. Very good.

**INTRODUCTORY RESOLUTION FOR THE JANUARY 27, 2004**  
**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**P.O. CARACAPPA:**

Moving on to Introductory Resolutions Ways and Means. **1001 (Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Elaine Ross Loreto and Jacqueline Pleet.)** Legislator Caracciolo.

**LEG. CARACCIOLO:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve. Is there a -- second by Legislator O'Leary. All in favor? Opposed?

**LEG. ALDEN:**

Just on the motion. This is as of right to be on the record.

**LEG. CARACCIOLO:**

215.

**P.O. CARACAPPA:**

It's a 215, and it conforms. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1002 - Authorizing use of Makamah Preserve in Northport by Northport Road Runners Club.**

**LEG. COOPER:**

Motion to approve.

**P.O. CARACAPPA:**

Motion by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1022 - Confirming appointment of County Attorney of Suffolk County.** I would ask Miss Malafi just to come to the podium.

**LEG. FOLEY:**

Motion to approve.

**P.O. CARACAPPA:**

While there is a motion to approve being made.

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. Are there any questions at this point in time for Miss Malafi?

**LEG. ALDEN:**

Through the Chair.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

Just to point out that she did show up at Ways and Means, supplied us with a copy of her resume, and answered quite extensive questioning by the Committee.

**P.O. CARACAPPA:**

Are there any other questions at this point in time? Legislator Tonna.

**LEG. TONNA:**

This is -- we're going to vote right now, right?

**P.O. CARACAPPA:**

Yes, sir.

**LEG. TONNA:**

I just -- all I wanted to say was that I'm really happy to see a woman of such qualifications, and as I understand, you'll be the first woman County Attorney in Suffolk County, which I think is quite an accomplishment, so --

**MS. MALAFI:**

Thank you.

**LEG. TONNA:**

-- you know, if the vote goes through, you know, that's a good day for Suffolk County.

**P.O. CARACAPPA:**

Miss Malafi, is there anything you'd like to put on the record?

**MS. MALAFI:**

Oh, I'm here to answer any questions that you may have.

**D.P.O. CARPENTER:**

Maybe she wants to talk a little bit --

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

You know, it might be helpful to put on the record a little bit of your background for those of us who are not on Ways and Means, especially in light of Legislator Tonna's comments. I happen to agree, but I think it would be important to put some of those things on the record.

**MS. MALAFI:**

As you all know, I'm Christine Malafi, the County Executive's designee for County Attorney. I appreciate the opportunity to speak to you today.

I have been representing municipalities in one way or another for over 12 years, since the day I started practicing law. I have hands-on experience defending and representing towns, school districts, and even the County of Suffolk over the last eight years. I have handled cases from simple trip and falls to the Suffolk County beach erosion cases to contract disputes. I've handled cases against town boards. I've handled cases against various municipal departments, all on behalf of municipalities. I've also handled EEOC complaints for municipalities, drafted contracts, dealt with land issues, dealt with resolutions and government procedural issues over the course of my career.

I also have extensive experience in administering a law firm. It started with being managing editor of my school's law review, and it ended right before I started in the County Attorney's Office on

January 2nd with my -- I was a partner in one of the largest firms in Suffolk County, and I administered the appeals and insurance department, and also oversaw pretty much all of the attorneys in the firm whenever the managing partner either wasn't available or had to assign duties to me.

I feel that in the last three weeks, being in the office, we've already come up with new ideas to make the office run a little bit more efficiently. We've already put those ideas into place and they've been greeted with compliments, and I feel that I would like the opportunity to continue working in the County Attorney's Office as your County Attorney. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

I'm delighted to hear that there have been some initiatives already to help things move a little bit more smoothly, because that has been one of the areas that things have not always moved as quickly as Legislators and people having to deal with the County would like. Do you want to

share some of those initiatives with us?

**MS. MALAFI:**

The first thing that we have done is taken the contract review and preparation process at the County Attorney's Office and implemented procedures to streamline them, and to have a -- follow-up systems, that nothing gets lost in the abyss, as I've been told. That's the first thing that we've done. We also are in the process of revamping the General Municipal Law Department and the Real Estate Department to make the two of those departments, make them be structured in a more efficient manner.

**D.P.O. CARPENTER:**

Thank you.

**LEG. FOLEY:**

Joe.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Having made the motion to approve, I just wanted to state on the record, one other area of concern to us as Legislators, and I know it's something that your office is already tackling, and as over a period of years, the management, if you will, the administration of the Crack House Law has really been sporadic at best. There have been many, many instances, whether in my district or other districts, where there may have been two consecutive arrests made of a felonious nature within a twelve-month period, and somewhere along the line, and I'm glad the Commissioner of Police is here as well, somewhere along the line, between the Commissioner's -- between the Police Department and the County Attorney's Office, there was a disconnect. And many times it would end up, similar to what happens with the Social Services Department, where we as Legislators would have to become, or our staffs would have to become adjuncts either to the Police Department or to the County Attorney's Office, you know, in order to try to see these things through.

So while you're tackling a lot of these, let's say, problems or challenges that have taken years to develop, one of the other areas of particular interest, as some of us who have these problems

within our district, is to have a more efficient follow-through and interdepartmental communications when it comes to he administering the Crack House Law.

So I and other colleagues stand ready to work with you on that as well, because it's one that -- and it really needs to be -- forgive the colloquial term, but tightened up in order to have it more effective.

**MS. MALAFI:**

We've already begun the process of moving the crack house -- violations have -- are in the process of being moved from the Municipal Law Department into a litigation department --

**LEG. FOLEY:**

Perfect, perfect.

**MS. MALAFI:**

-- so that they're more actively pursued.

**LEG. FOLEY:**

Perfect. Thank you.

**LEG. TONNA:**

Just one anecdotal story is that --

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Yes. A very well respected attorney, who I consider a brother of mine almost, says to me that it was this future County Attorney's notes that actually got him through law school. So I just -- I think, you know, it shows that there was somebody very efficient and very dedicated from the day she started law school. So I want to thank you, because he's drawing a decent income, and probably because of you, so thank you very much.

**LEG. O'LEARY:**

Through the Chair.



**P.O. CARACAPPA:**

Legislator Vilorio-Fisher, then O'Leary.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. I sit on the Ways and Means Committee and we had -- I believe, our primary concern in that committee was that contracts would be moving out of the County Attorney's Office efficiently. We were assured by you there, and I'm sure we'd be assured by you, today that that will happen. And Mr. Tonna just used the expression "efficient", "efficiency", and that you would bring that kind of dedication and efficiency to this position, and it's certainly needed there. And we need to move contracts in an efficacious manner, and I'm sure that you'll do that.

**MS. MALAFI:**

I absolutely will.

**LEG. VILORIA-FISHER:**

Thank you for being here today.

**MS. MALAFI:**

You're welcome.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes. Hi. One of the other areas of concern that was discussed in committee was the med-mal matters that are conducted by the County Attorney's Office that are assigned to counsel, outside counsel. It's the felling of this Legislator that that can -- the practice continues. There's no effort on the part of the County Attorney's Office to do that in-house, is there?

**MS. MALAFI:**

Absolutely none. The area of medical malpractice defense is a very specialized field, and the attorneys who are on the outside counsel list at the present time are some of the premier firms in that field and we will continue to use them.

**LEG. O'LEARY:**

All right. Thank you.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes. Have you had an opportunity thus far to -- are you working day to day in the County Attorney's Office?

**MS. MALAFI:**

Since January 2nd.

**LEG. CARACCIOLO:**

Okay. So then you've had an opportunity to look through the files, whether they be malpractice lawsuits against the County or otherwise, and you have some sense, then, of what the exposure the County has with respect to indemnification cases and claims.

**MS. MALAFI:**

Are you talking specifically on the medical malpractice area?

**LEG. CARACCIOLO:**

Across the board.

**MS. MALAFI:**

Across the board, yes. Generally, yes.

**LEG. CARACCIOLO:**

Could you quantify what you've uncovered?

**MS. MALAFI:**

A lot -- in the medical malpractice field, a lot of it is contractual with hospitals.

**LEG. CARACCIOLO:**

Really, what I'm looking for is a dollar amount.

**MS. MALAFI:**

Oh.

**LEG. TONNA:**

We're not allowed to talk about that.

**MS. MALAFI:**

I don't think --

**LEG. CARACCILO:**

Millions of dollars.

**MS. MALAFI:**

Millions, yes.

**LEG. CARACCILO:**

Some of which, as recently as December, the Legislature approved, as a result of malpractice claims against the County, and some of its representatives, others which are pending. And that brings me to a resolution that's before us today, because in speaking with other individuals in the new administration, they have informed me that they do not support this resolution as it is currently constructed. They believe very much that a representative of the County Attorney's Office should have input into the enormous potential liability that this endeavor, if we were to embark on it, could expose the County to. I'd like your comments and thoughts.

**MS. MALAFI:**

I agree, that my office needs to be involved in that process and in the indemnification issues that have come up, and that will continue to come up over the years. Yes, I do agree. I believe that some of the indemnification resolutions that are on now are thought to be -- give the County more protection than they actually do.

**LEG. CARACCILO:**

Okay.

**MS. MALAFI:**

And I do think my office --

**LEG. CARACCILOLO:**

Let me rephrase, you know, the comment, so that maybe you have a clear understanding of what I'm looking for here. We have a resolution before us that would create a Task Force for an ATV park in Suffolk County. It is heavily biased, in my view, with user groups that have self interest to promote. It does not represent a cross-section of the County, nor does it represent a fair representation of other user groups, as we heard this morning during the public portion, and it does have a potential to expose the County to millions of dollars in future claims as a result of accidents, incidents. I can tell you, for example, in my Legislative District, I've had two constituents over the last 18 months come to me, one of whom was run over by three ATV riders, left for dead, is still recovering from his injuries, another of whom suffered a fatal heart attack as a result of an altercation with users of ATV's. And I think, if the County is going to embark on a cost that's going to allow public land of which, based on conversation I've had with other people in County government, including Parks Department, there's very little in the way of our \$46,000 -- 46,000 acre inventory that we could set aside because of the protected status of the majority of that land for this use. Having said all of that --

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCILOLO:**

-- what is your position with respect to having representation on this Task Force?

**MS. MALAFI:**

I think that my office is ready, willing and able to answer any questions that anybody --

**LEG. CARACCILOLO:**

Do you think you should have a representative on the Task Force?

**MS. MALAFI:**

Absolutely, so that the County --

**LEG. CARACCCILOLO:**

Thank you. That was my question.

**P.O. CARACAPPA:**

That was some question.

**LEG. CARACCILO:**

I make a statement sometimes.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. FOLEY:**

Is that leading the witness?

**MS. MALAFI:**

I was going to object, but I didn't think it would do any good.

**P.O. CARACAPPA:**

I tried to.

**LEG. FOLEY:**

Object only after you're appointed, not before, that's the key.

**LEG. ALDEN:**

As a comment, I would hope that we, as Legislators, would not hold whether the potential new County Attorney would want to serve on a committee, or we would actually shape our thoughts to appointing her with the idea that she might not want to serve on a committee, or might not have a formed opinion right now, or everyone the fact that she doesn't know the exact amount of money, as far as liability. I think we have a well qualified candidate before us, and I'd like to see us vote up or down on her appointment. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Alden. Any other questions? Miss Malafi, let me just add, congratulations. This body looks forward to working with you. The position you're taking on is a daunting, a daunting one, challenging one and --

**LEG. ALDEN:**

Wait until the vote.

**P.O. CARACAPPA:**

And Legislator Alden said wait to say this until after the vote, but I'm kind of confident on your behalf, so --

**MS. MALAFI:**

Thank you.

**P.O. CARACAPPA:**

We welcome you, we congratulate you, and we look forward to working with you. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**LEG. ALDEN:**

Congratulations.

**P.O. CARACAPPA:**

Congratulations.

***(Applause)***

**1028 - Filling the vacancy in the 15th Legislative District.** Motion by myself, second by Legislator Bishop. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

There will now be a special election to be held on March 9th.

**PUBLIC SAFETY AND PUBLIC INFORMATION**

Moving on to Public Safety and Public Information. **1017 - Confirming appointment of County Commissioner of Suffolk County Department of Police.** I'd ask Mr. Dormer to come forward.

**LEG. CARACCILO:**

Mr. Chairman, questions.

**P.O. CARACAPPA:**

Is there a motion?

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Viloria-Fisher. On the motion, Legislator Caracciolo.

**LEG. CARACCILO:**

Thank you, Mr. Chairman. And welcome, former Chief, and, hopefully, soon to be Commissioner of Police of Suffolk County.

**COMMISSIONER DORMER:**

Yeah. Thank you very much. I appreciate you inviting me here this morning, Presiding Officer and Honorable Legislators. And I'll be glad to answer any questions.

**LEG. CARACCILO:**

First question -- well, first, let me note for the record that you did contact me and we did schedule a meeting and, unfortunately, we had to reschedule, but by that time, you had already

been before the Public Safety Committee, so I didn't have this opportunity to do a little Q and A with you and I have a few questions.

First, I'm looking at your resume and I note that you have a ten point program for change. Could you just elaborate on the changes you believe are necessary? As you look at the County police force today, as compared to when you left it, I believe it was in the early or mid '90's, what changes for the better would you say have taken place, and what areas would you say the changes, as you pointed out in your resume, are justified?

**COMMISSIONER DORMER:**

Well, in the 11 years that I've been out, tremendous changes in technology have occurred, not just in the police business, but in private business, and I think that this is the major advance in the business. I've just had five days as a Deputy Commissioner and I've been looking at the operation, examining everything in the Police Department, and especially in the area of technology, and I want to make sure that we're using everything that's available efficiently and effectively to serve the public. Public safety is going to be number one, and, you know, so that's the biggest change.

I just want to say on the record that, and I've said this before Public Safety, the people that we have in the Suffolk County Police Department are top-notch. We have a terrific police force. The officers are well selected, well trained, well paid, and I see my role as getting the most out of these officers while they work. I want them to give me eight hours or ten hours, or whatever it is, serving the public, and I see my role as making sure that they do that, and that the dollars that are allocated to the Police Department are spent efficiently and effectively.

**LEG. CARACCILO:**

Have you been approached to take over the helm of the Police Department under the understanding or premise that you and you alone will run the Police Department, there will be no outside governmental or political influences that you will succumb to?

**COMMISSIONER DORMER:**

Yeah, that's my -- yes, that's my understanding.

**LEG. CARACCILO:**



Because, you know, there's a rich history in law enforcement in the Bi-County region where that has not been the case.

**COMMISSIONER DORMER:**

Oh, yeah, I'm well aware of this. And I can tell you that anybody that knows me will tell you that I'm a very independent guy. When I talked to the County Executive about taking this position, we did go over the ground rules before I accepted, you know, his offer, and he agreed with me that I would be running the Police Department. And he has said to me on a number of occasions over the past week that he's very happy that he has a professional, that's his quote, in the Police Department, he doesn't have to worry about it. He knows that I'll do the right thing, and that, you know, we want to continue the top priority of public safety in Suffolk County. We talked about that. It's crucial, it's number one. If we don't have public safety for our citizens, the rest of the government just doesn't function.

**LEG. CARACCILO:**

What is the current table of organization for the Suffolk County Police Department sworn personnel?

**COMMISSIONER DORMER:**

It's approximately twenty-six hundred people, different ranks.

**LEG. CARACCILO:**

And could you break that down for me?

**COMMISSIONER DORMER:**

Well, there's about 850 police officers, and I know that there --

**LEG. CARACCILO:**

You mean superior officers and detectives?

**COMMISSIONER DORMER:**

No, no, no, police officers.

**LEG. CARACCILO:**

Eight hundred and fifty?

**COMMISSIONER DORMER:**

About 850 -- eighteen hundred, I'm sorry.

**LEG. CARACCILO:**

Are you sure it's not eighteen, eighteen hundred and fifty?

**COMMISSIONER DORMER:**

I'm sorry, eighteen hundred and fifty police officers, approximately. That changes daily. I just want everybody to know that people retire and the numbers go up and down, you know, depending on the retirements. It's approximately eighteen hundred and fifty. The rest of the department are detectives and superior officers.

**LEG. CARACCILO:**

Do you support longer work days and work schedules for sworn personnel?

**COMMISSIONER DORMER:**

No, I -- you know, the eight-hour schedule and the ten-hour schedules that we have in place right now are adequate to carry out the functions.

**LEG. CARACCILO:**

Well, I am one --

**COMMISSIONER DORMER:**

I'm not sure if that's --

**LEG. CARACCILO:**

I am one observer who will be watching very carefully to see if that position changes, because a moment of ago, when I spoke of influence, be it governmental or political, you've stated unequivocally you're your own man. So now you've stated, and in response to that question, that you don't believe any changes in work schedule are necessary. I'm talking about a reduction or an increase in the work schedules of sworn personnel.

**COMMISSIONER DORMER:**

Oh, I thought you meant the number of hours that an officer works or a detective works.

**LEG. CARACCILO:**

The annual -- the annual work chart, yes.

**COMMISSIONER DORMER:**

Well, that's set by the contractor and I have no control over that, and we have --

**LEG. CARACCILO:**

Do you support binding arbitration?

**LEG. FOLEY:**

That's not his position.

**LEG. CARACCILO:**

Pardon me, I have the floor. I don't interrupt other speakers.

**COMMISSIONER DORMER:**

I really don't --

**LEG. CARACCILO:**

You're a professional police officer, you had a career in law enforcement. Do you support the binding arbitration law in the State of New York.

**COMMISSIONER DORMER:**

I really don't get involved in the arbitration process.

**LEG. CARACCILO:**

I know that.

**COMMISSIONER DORMER:**

Okay.

**LEG. CARACCILO:**

I know that. Do you support the law?

**COMMISSIONER DORMER:**

I really haven't looked at the law. I'm --

**LEG. CARACCIOLO:**

Do you support any changes to the law?

**COMMISSIONER DORMER:**

I really haven't looked at it. I'm not going to comment on something I haven't really delved into. I'm looking at the operations of the Police Department.

**LEG. CARACCIOLO:**

Okay. Well, let's talk about the operations of the Police Department. Do you foresee any changes in the assignment of personnel size and distribution of units? Do you see any kind of major table, minor or -- major or minor table of organization changes? Do you see the elimination of any units?

**COMMISSIONER DORMER:**

At this point, it would be premature to even talk about any eliminations, or downsizing, or consolidation, because I really haven't gone into the department and looked at this. I haven't been confirmed yet. I'm waiting for the vote today, and then, hopefully, if I get the vote, I'll be Police Commissioner when I'm sworn in. And I'm certainly going to examine and analyze all the units in the Police Department to make sure that they're functioning efficiently and effectively, that they're serving with their purpose properly, and I think that's my role. I haven't made up my mind on any of this stuff yet.

**LEG. CARACCIOLO:**

How about civilianization in the department, where do you see opportunities for civilianization?

**COMMISSIONER DORMER:**

Again, I -- again, you know, we're going to look at every position in the department that can be civilianized that doesn't require the expertise of a sworn officer, and if we can civilianize that position without jeopardizing public safety, we're certainly going to do that.

**LEG. CARACCIOLO:**

If you had not had a long and prosperous career in the Suffolk County Police Department, I could accept those answers, but to come before the full body of the Legislature and say that

you're not prepared to answer questions that are very relevant in terms of your confirmation, your direction, your vision for the size and operation of the Police Department is somewhat lacking, as far as I'm concerned. I don't know -- I don't sit on the Public Safety Committee, never have. It's very interesting that, you know, I'm retired from law enforcement, but I've never served on that committee. I think certain people would like to keep me off it forever, because you get into the hard Q and A that people don't ever want to entertain that wear a uniform. Well, that's your job, this is my job, and I have to be absolutely certain that, you know, we're putting the right person in this position.

To come before the full body and say that you don't know about the reorganization of the department, to say you don't know about work schedules in the department, I don't know if it's disingenuous, but I won't go that far, but it certainly doesn't sound like somebody's prepared to take over the helm of the Suffolk County Police Department.

Let me also say that there's nothing in your ten point program for change that addresses one of the most pressing issues before all law enforcement agencies, and that is homeland security, training and equipment for bioterrorism. Have you done any study or evaluation of how well prepared the Suffolk County Police Department is today to respond to those types of contingencies?

**COMMISSIONER DORMER:**

Well, if I could back up a second and get back to your question or your statement on not understanding the schedules in the Police Department, I understand the schedules very, very thoroughly. I know how the officers work, when they work, and how they're assigned. So I don't want to leave the impression here with anybody that I don't know how schedules are run in the Police Department.

The terrorism front, I'm certainly looking at that right now, and I can tell you that the Suffolk County Police Department is in terrific shape in that area. Our technology is top-notch. The communications that come in from Homeland Security, from the State, from New York City is by the minute, it's coming into Police Headquarters. We share that with all the agencies that surround us, including the town and village police departments. This information is disseminated on a need-to-know basis, and we have constant communication with the F.B.I., with Homeland Security, New York City, and we're all tied in to the same group, and this information is shared on a daily basis. I've toured Headquarters unit that handles this. It's top-

notch. They've advanced in technology tremendously. And when I mentioned before about technology, that was one of the areas that I meant.

And we're -- again, I'm going to go into the Police Department like I go into any business, and I'm not, I have some philosophical ideas about what I want to do, but I'm not going to start talking about individual units, or personnel, or departments until I get in there and talk to the people that run the business. I've been out 11 years, and I've mention the to the Public Safety Committee the police business is like medicine, it changes very quickly, so you've got to catch up. I have to catch up.

I got to tell you, my background is policing. I'm also business oriented. I've been on the outside for 11 years in the private sector. It gives me a unique perspective on how the public views the police and the policing function. I also had to deal with efficiencies on the outside, that means budgets, overtime, allocation of people, and problem solving. I'm going to bring these talents, which I think I have, to the Police Department. I look at it as a business.

**LEG. CARACCILO:**

But unlike a business, and you have to acknowledge this, you have a constraint, you've already eluded to it, it's binding arbitration law. You don't have any say at the bargaining table over the work schedules of sworn personnel. For that matter, neither do we, nor the County Executive. That's a State law, and you and -- and we are bound by that state law.

**COMMISSIONER DORMER:**

If I may comment on the unique contracts.

**LEG. CARACCILO:**

Yes.

**COMMISSIONER DORMER:**

I view the contracts as law, and I follow the law, just like I follow the Penal Law, the Criminal Procedure Law, General Business Law, and all the other laws of the State. I have, and I --

**LEG. CARACCILO:**

You've answered my question in that regard. Thank you.

**COMMISSIONER DORMER:**

Okay.

**LEG. CARACCILO:**

The other question I have is in terms of your vision and possibly policy changes. Certainly, you're entitled to some time to get --

**COMMISSIONER DORMER:**

Thank you.

**LEG. CARACCILO:**

-- behind the desk, put your team together, because I know there have been a lot of senior management requirements in your department, and so forth. You're certainly entitled to that opportunity. But can you give me some sense of when you think you might be prepared to come before the Legislature in, you know, a couple of months, with a vision and mission statement of how you may change the direction and improve efficiency in the Police Department?

**COMMISSIONER DORMER:**

Well, I really -- I hate putting a time limit on something like that, but I --

**LEG. CARACCILO:**

Approximate, just an approximate.

**COMMISSIONER DORMER:**

I can tell you that it will be a short time. I'm that kind of a person, it's not going to take me six months, I can assure you of that. So I would say within a couple of months, if you want to invite me back here to talk about what's going on in the Police Department, I will come back here and be very frank and open with you.

**LEG. CARACCILO:**

I appreciate that. Just a couple of final questions. On your resume, I see, like myself, you attended the F.B.I. Academy, a graduate, and that you also -- we have a lot of things in common, but in terms of assignments in the Police Department.

**LEG. BISHOP:**

Hopefully not.

**LEG. CARACCIOLO:**

The question I have here with respect to -- what was that comment, David?

**LEG. BISHOP:**

I said, "Hopefully not."

**LEG. CARACCCIOLO:**

Hopefully not?

**LEG. BISHOP:**

Yes.

**LEG. CARACCIOLO:**

I would expect that from David.

**LEG. BISHOP:**

You'll get more in a minute.

**LEG. CARACCIOLO:**

Your bachelor's degree in Criminal Justice, where was that, what institution?

**COMMISSIONER DORMER:**

A fine institution, New York Institute of Technology in Westbury.

**LEG. CARACCIOLO:**

Was that part of the original program back in the '60's?

**COMMISSIONER DORMER:**

Yes, that's correct.

**LEG. CARACCIOLO:**



The {Lee} Program?

**COMMISSIONER DORMER:**

Yes, it was.

**LEG. CARACCILO:**

Okay. And I think just one more. Have you in the past, or have you recently, including the most recent county-wide and county campaign, involved in any political activities?

**COMMISSIONER DORMER:**

Yes. Just like a lot of members of the Police Department and the County Legislature and other public citizens, I have the right to do that and I did.

**LEG. CARACCILO:**

Yeah. I lobbied and was successful in getting that law passed in the '70's for police officers.

**COMMISSIONER DORMER:**

Thank you.

**LEG. CARACCILO:**

Okay. Thank you.

**COMMISSIONER DORMER:**

By the way, when I -- when I was involved, I wasn't a police officer.

**P.O. CARACAPPA:**

Are you done, Legislator Caracciolo?

**LEG. CARACCILO:**

Thanks for the clarification.

**LEG. CARACAPPA:**

Okay. We have a tremendous list. Legislator -- the first three are Legislator Tonna, then Montano, then Lindsay.

**LEG. TONNA:**

Hello. How are you, sir? And thank you for your phone call. I'm sorry I didn't get back to you. The -- I have just one simple question with regard to bias crimes. As you know, Suffolk County has had really an excellent reputation with regard to -- in the past, I think within the last four years, three years, there were two, you know, more obvious, one a fire bomb just I think last year, and then a number of years ago with the brutal beating of two day laborers. The Suffolk County Police Department did an excellent job in bringing people to justice. And it seems like there was a really wonderful focus on making sure that, you know, that wouldn't happen in Suffolk County. Could you just tell me a little about what you -- what you see for the future of the department? Thank you.

**COMMISSIONER DORMER:**

Well, as -- regarding bias crimes, we're certainly going to continue the Suffolk County Police Department unit under Detective Sergeant Robert {Weeks}. We're going to continue that. It's not going to be diminished. We're very concerned about that. We always -- you know, we'll pay attention to it, so I can assure, that's not going to change.

**LEG. TONNA:**

Thank you, sir.

**P.O. CARACAPPA:**

Legislator Montano.

**LEG. MONTANO:**

Mr. Dormer, congratulations on your imminent appointment as Police Commissioner. I know you and I are scheduled to meet on Thursday. There are some issues that we'll be discussing, but for now, I just have a couple of questions with respect to issues that pertain to my district. As you know, I represent the Ninth Legislative District, which is newly created. It has a diverse population. It's 45% Hispanic, 20% black, the rest other, white minority, but it's what they call a majority minority district. Most of my district is covered by the Third Precinct. With a diverse population like that, based on what you said earlier, you have eighteen hundred and fifty police officers within the Department, could you tell me how many of those officers are either black or Hispanic?

**COMMISSIONER DORMER:**

Well, I don't know that --

**LEG. MONTANO:**

Percentage-wise.

**COMMISSIONER DORMER:**

Yeah. I don't have the numbers in front of me. In fact, these are some of the issues that I'm going to be addressing in the next -- in the coming weeks. I want to know the numbers. And we're certainly going to strive for diversity in the Police Department. We're committed to that, and when I went before Public Safety, we talked about that. I'm certainly going to reach out to the community and see if we can increase our Hispanic, black officers in the Police Department. As you know, most of you probably know we're still under a consent decree with the federal government, and there are three categories in there, blacks, Hispanics and females, so we are well aware of this and we're going to do everything we can to increase representations in the police service.

**LEG. MONTANO:**

Let me ask you this. Do you have any specific ideas as to how you will achieve diversity within the Department?

**COMMISSIONER DORMER:**

Well, I think that it's very important that we reach out to the communities. There -- they can help us in our recruitment efforts. That's number one. And the officers that we have in the Police Department right now are very crucial too, because they're role models to people in the communities and they can entice people to take the test and come into the police service. These are two areas that I think are very important and we're going to pursue that. There may be other things that we can do, and I'm going to sit down with minority community people and get their input, again, like I will ask people in the Police Department how we can increase efficiencies and better police management.

**LEG. MONTANO:**

Are you are you familiar with the former Community Service Aid Program that had been instituted within the Suffolk County Police Department in about the 1980's, are you familiar with the concept of that program?

**COMMISSIONER DORMER:**

Yes, yes, I'm very familiar with that. It was there when I was there.

**LEG. MONTANO:**

Okay. That program has since been eliminated by the Suffolk County Legislature. Have you had any discussions with the County Executive with respect to reinstituting a program like that that would, quote, meet constitutional muster; have you had those conversations with the County Executive?

**COMMISSIONER DORMER:**

Yes, we did. We talked about that, yes.

**LEG. MONTANO:**

What is your position with respect to the reinstitution of the Community Service Aid Program.

**COMMISSIONER DORMER:**

Well, if it can pass constitutional muster, I think it was a great program. I have no problems with it.

**LEG. MONTANO:**

Do you have any time frame in which you think you could come back to the Legislature and indicate to us exactly where you're going in this, with respect to diversity in the department and, in particular, with respect to the reinstitution of the Community Service Aid type program?

**COMMISSIONER DORMER:**

Well, as you probably know, these things take time, they're not something you can do in a week or two or a month. I'm not sure of the timetable, and I don't want to tie myself to a timetable, but it's certainly something that we're going to look into in the near future. It's not going to be -- it's going to be up front, when and if I'm appointed as Police Commissioner.

**LEG. MONTANO:**

Let me just say this, and I don't know if my -- I don't want to take your time today, because we are scheduled to meet on Thursday, but from what I understand, within the Crime Control Unit, there are 25 police officers, one of which is black, none of which are Hispanic, none of which are Spanish speaking. Within the Detective Unit, that may be within the Third Precinct, I'm not sure, there are approximately 30 detectives, two are black, one is Hispanic. Within the Gang

Unit, which is a particular problem in my district, we have approximately eight officers, none of which are black, none of which are Hispanic. These are issues that concern me as a Legislator. These are the kinds of issues that I would like to address with you. I'm not going to take the time of the Legislature today, but I really think that we need to sit down and talk about what we can do together to increase the diversity within this department and make it more receptive, and make it -- make it better, so that the residents of the district that I serve, which is a large Hispanic, Spanish-speaking population, a large community that generally has contact with the Police Department.

I understand from what you've said that there's a commitment to work towards bringing the Suffolk County Police Department into a more diverse atmosphere; is that accurate?

**COMMISSIONER DORMER:**

Yes, that's accurate, yeah.

**LEG. MONTANO:**

Thank you very much. I'll see you Thursday.

**COMMISSIONER DORMER:**

Thank you.

**P.O. CARACAPPA:**

Legislator Lindsay, then O'Leary.

**LEG. LINDSAY:**

Mr. Dormer, I know it's in the resume, but how many years did you have on the force?

**COMMISSIONER DORMER:**

I had 29 1/2 years. I had years out for military service.

**LEG. LINDSAY:**

And you stated before that you have -- you've been retired roughly 11 years?

**COMMISSIONER DORMER:**

Yeah, 11 -- 11 years and about a week. I'm not counting or anything.

**LEG. LINDSAY:**

And you've been back in the office for what, a week?

**COMMISSIONER DORMER:**

Five days.

**LEG. LINDSAY:**

Five days. In that short time, those five days, would you say a lot of things have changed in the department over the last 11 years?

**COMMISSIONER DORMER:**

Yes. As I mentioned earlier, in the technology area, a lot of things have changed. Also, you know, with the terrorism threat that we all live under every day, that is a constant. Police Department is up front, in the forefront of that. It's being done quietly. And this is -- these are the major changes that I see. A lot of the other operations are the same as 11 years ago when I left policing business. It doesn't change in a lot of aspects, you still have to handle burglaries, robberies, and so on, just as we did 11 years ago, and we're going to continue to do that.

**LEG. LINDSAY:**

If you're confirmed today, do you intend to review all the different operations within the department to see where change can be effected.

**COMMISSIONER DORMER:**

Yes. I'm going to analyze every unit in the Police Department. And, you know, I think any manager or administrator should do that when they go into a news business, look at everything, and then talk to the people in there and make an informed judgment on what we should change, if it should be changed.

**LEG. LINDSAY:**

As we approach 2005, I think it's no secret to anyone that works for County government that we face some huge financial problems, and I guess both the County Executive's Office, as well as this Legislature, will be looking through all facets of County government to try and save money, and I'm sure there'll be a lot of pressure on your department, as well as other departments, to

come up with cost savings. Of course, your department is a little bit unique in that public safety should come before almost any other priority in County government, so you have quite a daunting task in front of you. I guess the question is are you ready to accept that task?

**COMMISSIONER DORMER:**

Well, I'll be very -- I'll be very forthright and upfront with the lawmakers, with you people in Suffolk County, with the County Executive as it pertains to the Police Department, and I think it's very important that I have credibility when I come before any body and tell them that we require something. And I'm going to try and sustain my credibility in dealing with not just the lawmakers here, with this group, but also with the County Executive's Office. And I can see that as being very important, that I have credibility in that area, especially as we head into 2005 with, as you mentioned, budget issues.

**LEG. LINDSAY:**

Thank you.

**P.O. CARACAPPA:**

Legislator O'Leary, Foley, then Losquadro.

**LEG. O'LEARY:**

It is somewhat -- is there a sense -- over here, sir. How are you?

**COMMISSIONER DORMER:**

How are you doing? Good to see you again.

**LEG. O'LEARY:**

I'm doing very -- good to see you, too. I guess you're getting a feeling, a sense of deja vu, because when you went through the Public Safety Committee hearings with respect to your appointment by the County Executive as Police Commissioner, I'd like to put on the record to my colleagues, the full body of the Suffolk County Legislature, that Commissioner Dormer -- and I say Commissioner, because you are a Deputy Commissioner now, are you not?

**COMMISSIONER DORMER:**

Yes that's correct, yes.

**LEG. O'LEARY:**

And Commissioner Dormer was before us for well over two hours and answered numerous questions involving his philosophy of policing, and how would he -- how he would administrate the department, with the understanding, of course, there's a lot of constraints by the CBA's, the collective bargaining agreements, and oftentimes, the political pressure that's brought to bear on the position of Police Commissioner. I won't have too many questions to ask of you, because I think I asked my share on that particular day, which is a matter of record, but I do want to wish you very well in your future endeavors. And I want to go on the record that I think that you are qualified for the position of Police Commissioner. I look for a very longstanding working effective relationship with you, and would urge my colleagues to confirm your appointment today. Good luck.

**COMMISSIONER DORMER:**

Thank you very much. I appreciate that.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. And I have no questions regarding your skills as labor negotiator. It's my understanding you were -- you're before us to be the Commissioner of Police, given your great track record, both as a member of the police force, and also your private sector experience over the last 11 years.

A number of the issues that I would raise -- would have raised have already been asked, particularly in the area of terrorism and the like. That's one of the new realities of policing throughout this country, especially in the coastal area along the East Coast as something of exceptional importance. Along with that, there's some other areas that merely come to mind in my district, which I know you'll be looking at very carefully.

We live, particularly on the South Shore, where there's an increasing number of the public who uses the bay systems and boating, increasing number of boats, and I know the Marine Bureau is something that you'll be looking at very carefully. Certainly, I would say, over the last 11 years, the a number of either boating accidents or near accidents and activities on all of our surface waters on the Sound, out east, and on the South Shore has increased tremendously, and



thereby increasing the demands upon the Marine Bureau, so that's going to be very important.

You heard earlier about the crack house laws. I'm happy to hear that the County Attorney's Office has made some efficiencies. I hope your department does as well, because things have really, in some cases, have taken too long to process.

And finally, having downtown -- having a major downtown in my district, Patchogue, but it would be similar to other downtowns, of course, with the upcoming warmer months, the summer months, foot patrols are very important to those downtown communities, both for those who live there, shop there and who work there. So it's my hope and expectation that foot patrols will continue, because it really gives a level of real protection, as well as it's also as if they could be considered ambassadors of the department, as well as doing real law and order work.

So those are some of the things that I would point out. And I look forward also to meeting you later this week as well, Commissioner.

**COMMISSIONER DORMER:**

Thank you.

**P.O. CARACAPPA:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yes. Good day. I also, like Legislator O'Leary, is on the Public Safety Committee. But I just had a couple of questions in regard to some statements you just made. One was you stated that you had gotten a unique insight as to how the public viewed the Police Department during your tenure in the private sector, and I was wondering if you could share that with us, if there was something in particular about how the public viewed the Police Department that maybe we weren't aware of.

**COMMISSIONER DORMER:**

Well, I should say that, you know, any polls taken over the last 20 years show the police probably up near the top, either number one or number two in the public, and I want to state that. The people like their police. There are certain issues, or, I guess, operations that the

public really doesn't understand or really doesn't see the police as being, you know, as professional as they should be. And I -- where I come from, and I viewed it from the outside for 11 years, I would say to myself, you know, the police do a terrific job. They keep everybody safe, the best that can we can get. And they don't sell themselves. They don't view the public as being a customer, when they respond to a minor call, or even, I guess, a serious offense. They've

got to view their dealings with the people that see them on a daily basis as being their customers, and they've got to act professionally all the time and think about selling themselves. And I don't mean anything in a phony way, I mean treat minor incidents that may be minor to the Police Department as very important to the person that they're dealing with. And this is -- it's just a change in philosophy or the way you deal with the public, and I think that's very important.

The public takes care of their police officers. They pay them well. They're well trained, they're well equipped. The selection process gets the best. I mean, we have thousands of people that put in for the job in Suffolk County. We only take one out of ten that passes that test. And then we can't forget that we're isolated, that we're all alone. When we're out there in the public, and I'm talking about everybody, we should sell ourselves. We should be -- have that in our mind, that now, when I go out in the morning and put the uniform on, that's show time.

**LEG. LOSQUADRO:**

Thank you. And that's led into my next question, which was you said, I know even during the Public Safety Committee, we were speaking in generalities, because you said you haven't had a lot of time to examine the particulars within the department, but you did speak of some philosophical ideas earlier that you had in mind toward changing the department. Obviously, one of them is to increase the public relations aspect of the department, the courtesy and respect that they show to the public. Do you have any other philosophical ideas or changes that you have in mind?

**COMMISSIONER DORMER:**

Well, the police officers on the street and the detectives at the -- in the precincts are in a unique position where all the problems of society and the neighborhoods that they deal with come to them on a daily basis. They have to see themselves as problem-solvers, and this is -- this is the way I believe it. Rather than just be incident driven. That means don't --

**LEG. LOSQUADRO:**

This sounds very much like what the COPE Unit does, and I know you had said you were in support of continuing that program.

**COMMISSIONER DORMER:**

Yeah, yeah. COPE is more a problem-solving unit. It's a split force philosophy. You have the officers that respond to nine-eleven, 911 calls, and then you have officers who solve problems. So I want to see if we can increase the problem-solving capabilities of the people at the precinct level, I think it's very important, the chronic problems that occur all the time, and they're problems that have been annoying people when I left 11 years ago, traffic, noise, kids.

**LEG. LOSQUADRO:**

Quality of life issues.

**COMMISSIONER DORMER:**

Quality of life, exactly. It hasn't changed in 11 years. And these are the things that will -- you will hear as Legislators from your constituents.

**LEG. LOSQUADRO:**

Absolutely. And thank you. Those are admirable goals that I think we should -- all agencies in the County should be working towards.

And finally, I'm sure your schedule's been very busy, but I just wanted to touch on the subject of the current Sixth Precinct building again and see if you had any further information, or if you saw any intention of having that leave the control of the Police Department.

**COMMISSIONER DORMER:**

It's on my list. I have a list of priority items and the Sixth Precinct is on that list.

**LEG. LOSQUADRO:**

Thank you very much, sir.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Thank you. Is this the time to debate the nomination or just ask questions?

**P.O. CARACAPPA:**

Both. We're on the motion.

**LEG. BISHOP:**

Okay. I just want to make sure my --

**P.O. CARACAPPA:**

If you have questions, the nominee's before you.

**LEG. BISHOP:**

I just want to make sure my comments are not going to be out of order. Regarding the nominee, I think he has sterling credentials, and clearly a capacity and a compassion to do this job, and I think we'll be well served by him. But I just want to speak to my colleagues as a whole and to ask that we better self regulate.

It seems to me that, you know, a lot of what we're engaging in in the new year is just inappropriate. I mean, we're doing -- Legislators are calling out unfounded conspiracy theories, they're engaging in bullying tactics with people that come before us, they cut off their answers, they insist on other answers to inappropriate questions. And it's just, in general, inappropriate, and there's no rule against it, you have to -- you have to see within yourself that your acting like a fool. And I ask those who think they might be doing that to refrain, because it really -- it renders our institution into a cartoon. And that's all I have to say. Thank you.

**P.O. CARACAPPA:**

I appreciate those comments, and it's something I've tried to do aggressively as the Chair of this body, to keep it orderly and respect going back and forth between members, and those who come to speak before us, whether they be nominees or the public. Legislator Binder.

**LEG. BINDER:**

Thank you. Commissioner, I want to thank you for reaching out to me, and sitting down with me and giving me the time to have a private discussion about my concerns, and getting kind of a measure of the Commissioner. Because I think that's the best way to do it, one on one.

And I think it speaks volumes that this nominee reached out, as far as I've known, to everyone here to sit down with everyone. It shows a respect for the policy-making body, as well as the fact that he knows he was appointed by the County Executive, to understand that he has to kind of live in both worlds and make it work. Right then and there, I could see that there's an understanding on how to make this job work, and so my confidence, just on the reaching out part, was positive.

And then, after we had the conversation, and had sometime in my office, I was much more enthused, because of your -- as was said, your enthusiasm and your drive to do this job, to do it right. Your breadth of knowledge, your experience, and it's wide ranging. So I have a lot of confidence.

On specific issues, obviously one that I've been hawking for sometime is the DARE Program, and with the caveat of understanding that utilization of officers has to be addressed and should be because of -- especially in tight times. Your commitment to the DARE Program is there and I appreciate that, and so I, hopefully, don't have to fight the fight anymore. We can work together on the Robert Wood Johnson Foundation Study and implementing the positive changes, but I appreciate that.

But across the board, rather than get into other specific issues that I haven't gone out front on, but I care about, community issues, COPE, all these other things. Suffice it to say that I'm impressed with your knowledge, with your drive, with your commitment, and your commitment to change things, and change things for the better and not be caught up in either the "Ol' Boy System", the political network. You want to be your own person and you want to leave your mark. I felt that out of our conversation. I'm enthused by the change. I think the County Executive has picked exactly the right person for the job at this time, and I very strongly support the vote today to have you as our Commissioner. I look forward to working with you.

**COMMISSIONER DORMER:**

Thank you very much, I appreciate that.

**P.O. CARACAPPA:**

Okay. Commissioner, I have one. There was a question asked to you earlier about bias crimes. Unfortunately, I ask a difficult question towards you. In the County Executives Inaugural Speech, he took a really solid stand, an aggressive stand against the illegal population,

especially, I think you mentioned it, in Farmingville, and he mentioned other places within his speech. I represent Farmingville. The Sixth Precinct has done a fairly decent job through Inspector Rau, in fact, an excellent job based on what they've been allowed to do down there. There's a tremendous amount of illegal activity associated with the illegal population there. I'm not asking you to comment on national immigration policy, I'm asking you what are you going to go further to give some relief to the residents and taxpayers of the Farmingville community?

**COMMISSIONER DORMER:**

Yeah, that's -- and that's on the list, too. I have a short list.

**P.O. CARACAPPA:**

High on the list.

**COMMISSIONER DORMER:**

Well, it's on that list. And I have been getting information on what other jurisdictions throughout the country have done with this problem. You know, we're looking at it and seeing if we can get some ideas on how we can get control of what's happening, and do it in a legal and constitutional way, which is very important that we do that. And we're certainly -- that's going to be one of the top priorities. I haven't talked to the inspector yet about that, but I have talked to the County Executive about it, and it is -- it is one of the issues that we have to address very soon.

**P.O. CARACAPPA:**

He outlined a basic plan to myself and also to the public at large through his speech. Do you agree with the County Executive in his approach?

**COMMISSIONER DORMER:**

I'm not sure --

**P.O. CARACAPPA:**

Even though you're an independent person.

**COMMISSIONER DORMER:**

Yeah.

**P.O. CARACAPPA:**

I'd appreciate that very much.

**COMMISSIONER DORMER:**

I'm not sure of what -- what you're talking about specifically.

**P.O. CARACAPPA:**

What his plan is, that he would give every opportunity as a County to make the American dream available to everyone who seeks it in a legal fashion, which I fully agree with. And those who do not take the opportunity to do that, the County of Suffolk will use all its powers to make sure that those who felt it necessary to disregard the law at that point, that we would take it up with them as, of course, a law enforcement agency in the Police Department. That's his plan in a nutshell, a very vague overview of it, but do you agree with that?

**COMMISSIONER DORMER:**

Yeah. Our job is to enforce the law, I mean, not to make a judgment on whether we like it or not, and we're going to do that, so --

**P.O. CARACAPPA:**

I know it's a very difficult issue.

***(Applause)***

**COMMISSIONER DORMER:**

Yeah, it is.

**P.O. CARACAPPA:**

I do have to -- I do have to pose the question, though. And I look forward to working with you and the community members on it, so that we can continue, you know, civil dialogue, open dialogue, and, hopefully, we can solve the problems for everyone involved, so I appreciate your honest answer on that. Legislator Caracciolo, and then Carpenter.

**LEG. CARACCILO:**

Commissioner, with respect to the Chairman's last question, what is the current state of the law

in terms of enforcement of illegal immigrants in Farmingville or anywhere else in Suffolk County?

**COMMISSIONER DORMER:**

Well, as far as I understand it, if somebody is arrested or violates the law and they have illegal status, they don't have legal status, Immigration is noticed, that's the Federal Government. They step in. From my understanding is that there's not much cooperation with the Federal Government in this end. That's something we have to address. And that's been a problem, by the way, that's not recent, that's been over the years, the same problem with that kind of issue.

**LEG. CARACCILO:**

In terms of addressing that issue, which federal agencies, officials, elected representatives do we try to redress that issue with?

**COMMISSIONER DORMER:**

I've only had five days in the Police Department as a Deputy Commissioner, and again, I haven't addressed this problem in that five days. I've been walking around, talking to people for the five days and signing orders, paperwork, which hasn't changed in 11 years, so I haven't looked at that. But that's going to be top priority, to look at that issue, as I mentioned.

**LEG. CARACCILO:**

There have been advocates, advocates and opponents of a County-sponsored hiring hall. Would that assist or mitigate -- you know, when you get into substantive issues around this horseshoe, people just want to get on with business, go to lunch, and not have a person who's going to make \$140,000 a year answer a public policy question. The floor is mine. I will -- that is the question, I'd like to hear your response.

**COMMISSIONER DORMER:**

You know, I'm not really involved in hiring halls and setting up legislation or procedures for that, we just do law enforcement.

**LEG. CARACCILO:**

But do you think it would aid law enforcement to have a hiring hall? That's the question.



**COMMISSIONER DORMER:**

I really don't have an opinion on it.

**LEG. CARACCILO:**

Okay.

**COMMISSIONER DORMER:**

And, by the way --

**LEG. CARACCILO:**

Thank you.

**COMMISSIONER DORMER:**

By the way, I'd like to correct your statement on 140,000. I don't know where you got that, but it's a lot, lot less than 140,000.

**LEG. CARACCILO:**

What is the salary?

**COMMISSIONER DORMER:**

A hundred and fifteen thousand.

**LEG. CARACCILO:**

And what will it be a year from now?

**LEG. FOLEY:**

Come on, Mike.

**LEG. CARACCILO:**

Well, I mean, you know, don't try to low ball it, because, you know, I've been here 12 years, I know where the salary goes. Thank you.

**LEG. BISHOP:**

This is ridiculous.

**D.P.O. CARPENTER:**

Commissioner Dormer, I for one would like to put on the record, and I appreciate Legislator O'Leary's comments, because the committee did do a very thorough, thorough job. Mr. Dormer was there over two hours and answered every question imaginable, a lot of which was touched on today. And there were one or two things that were not, and I would like to just put this on the record.

Amongst the questions that I asked was about the commitment to the resources for the department in making sure that everyone that works in the department, whether they be sworn personnel or civilians, have adequate working conditions, and mentioned the Fourth Precinct and the deplorable conditions there, and whether or not the commitment would be there to see that it would be addressed. And I would just like to share with my colleagues the fact that Commissioner Dormer went to the Fourth Precinct soon after he was at the committee on Tuesday and toured the facility, and got back to me about it. And I think this demonstrates a person who is really going to be very, very much hands on, and very much caring about the men and women who work in the department. As Legislator O'Leary said, who certainly has a tremendous law enforcement background, getting his endorsement I think really means a lot. I think the residents of this County are going to be served well.

The topic of civilianization, I think we all can be supportive of that when it's appropriate. My only concern is that when sworn personnel are moved into other areas to be replaced by civilians, that they do, in fact, replace them with the civilians, that the positions then are not left unfilled.

The other areas that we touched upon, that I just want to put on the record again, is the commitment to the Gang Unit and the initiatives that we have made. And I appreciate your recognition of the fact that the Department enjoys an incredible reputation, and that we really got the sense that Commissioner Dormer is going to continue along those lines, especially in recognizing the fact that the Legislature is an equal partner with the County Executive, and that for us to move forward in a right way for the residents of this County and those that come to visit this County, that we work together and that we, especially the Public Safety Committee, be kept abreast of any major changes in policy that are being considered for implementation.

So without further ado, I would like to see this appointment moved forward, and look forward to working with you.

**LEG. TONNA:**

Roll call.

**P.O. CARACAPPA:**

Thank you, Deputy Presiding Officer.

**D.P.O. CARPENTER:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17.

***(Applause)***

**P.O. CARACAPPA:**

Congratulations, Commissioner.

**COMMISSIONER DORMER:**

The Honorable Presiding Officer, may I make a brief statement?

**P.O. CARACAPPA:**

Please, do.

**COMMISSIONER DORMER:**

I understand very well the Legislative role in this process, so I'm not offended in any way by any questions that anybody asked. I understand that you have to do that. You represent the people of Suffolk County. And I will always be open to any questions that you have, and, hopefully, I can answer them honestly and to the best of my ability. And thank you very much. I appreciate the confidence.

**P.O. CARACAPPA:**

Thank you very much for answering all the questions.

***(Applause).***

I'd ask my colleagues, even though we're running a little bit past the lunch hour, we have just a few other resolutions on the agenda, none for which are controversial. One of our colleagues has to attend the wake of his grandmother. I'd ask if we could finish up, at least the agenda that's before us, which will take no more than just a couple of minutes, so we'll continue.

### **PUBLIC WORKS AND PUBLIC TRANSPORTATION**

**1006 (Authorizing public hearing for authorization of approval of ferry license for Fire Island Water Taxi, LLC.)** Motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? Abstentions?

1008.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**(1008 - Authorizing public hearing for approval of rates for Fire Island Water Taxi, LLC.)** Same motion, same second, same vote on 1008.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1014 - Approving cross bay ferry license for the Fire Island Ferries, Incorporated.**

Motion by Legislator Carpenter, second by Legislator Tonna. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1015 (Approving lateral ferry license for Fire Island Ferries, Incorporated).** Motion by Legislator Carpenter.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Tonna. Have we had -- we've had the public hearing on this? It's all closed. All in favor? Opposed? Abstentions?

**1016 (Renaming Ronkonkoma portion of Motor Parkway as "Lieutenant John P. Napolitano Parkway").** Motion by Legislator Alden.

**MR. BARTON:**

17 (1015).

**P.O. CARACAPPA:**

Second by myself. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Cosponsor, please.

**P.O. CARACAPPA:**

That's a cosponsor by Legislator Foley.

***[Cosponsor Said in Unison by Legislators]***

**P.O. CARACAPPA:**

The whole Legislature. This is renaming Motor Parkway as "Lieutenant John P. Napolitano Parkway". And we thank Mr. Napolitano once again for coming down.

**LEG. TONNA:**

Congratulations.

**P.O. CARACAPPA:**

**1030 (Reappointing members to the Suffolk County Transportation Advisory Board).**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**MR. BARTON:**

17 (1016).

**P.O. CARACAPPA:**

Second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**PARKS AND CULTURAL AFFAIRS**

**P.O. CARACAPPA:**

Parks and Cultural Affairs. **(1003 - to reappoint Fred DeFeis as a member of the Suffolk County Citizens Advisory Board for the Arts).** A reappointment to Citizens Advisory Board of the Arts. Motion by Legislator Tonna, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1013 (Approving the reappointment of John Fritz as a member of the Board of Trustees of the Suffolk County Department of Parks, Recreation and Conservation).** Motion by Legislator Bishop. This is a reappointment of John Fritz to the Board of Trustees of the Suffolk Parks, Recreation and Conservation.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**LEG. FOLEY:**

Cosponsor, please.

**BUDGET AND FINANCE**

**P.O. CARACAPPA:**

Budget and Finance. **(1032, 1032A - Appropriating funds for Planning, Design and Site Selection in connection with the construction of a Tier II Homeless Shelter (Capital Program Number 6011)).** It's a bond resolution. This is appropriating funds for planning, design and site selection in connection with the construction of a Tier II homeless shelter.



Approved 5-0.

**LEG. CARACCILO:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Caracciolo, second by Legislator Tonna.

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Just for the record, this is to do design or planning?

**LEG. VILORIA-FISHER:**

Yes.

**LEG. ALDEN:**

And it's 1.7 million dollars? They're not selecting a site today, they have to come back --

**P.O. CARACAPPA:**

No.

**LEG. ALDEN:**

-- to us to do that.

**LEG. TONNA:**

Yes, absolutely.

**P.O. CARACAPPA:**

Correct.

**LEG. VILORIA-FISHER:**

It's design, planning and site selection, Legislator Alden.

**P.O. CARACAPPA:**

Okay.

**LEG. VILORIA-FISHER:**

Design planning and site selection.

**P.O. CARACAPPA:**

Roll call.

**LEG. ALDEN:**

Oh, they are doing the site selection today on this?

**LEG. VILORIA-FISHER:**

No, no, no, no, no.

**LEG. ALDEN:**

There's nothing in here.

**LEG. VILORIA-FISHER:**

No, there's -- no. The process is for design, planning and site selection and they'll --

**P.O. CARACAPPA:**

Correct.

**LEG. VILORIA-FISHER:**

They'll come back.

**P.O. CARACAPPA:**

Roll call on the bond.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the Companion Resolution. Going back to resolutions tabled. **1838 (Establishing Task Force to study need for a ATV park in Suffolk County).**

**LEG. VILORIA-FISHER:**

**1838**, I'm going to make my motion to table again.

**P.O. CARACAPPA:**

There's a motion to table 1838, which is a Task Force for ATV Park. Is there a second?

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. There's a motion to table before us --

**LEG. LINDSAY:**

On the question.

**P.O. CARACAPPA:**

-- which is a postponement on the vote.

**LEG. CARACCILO:**

Roll call.

**LEG. LINDSAY:**

Question.

**P.O. CARACAPPA:**

Motion by Legislator -- on the motion, Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. I'm going to back up the tabling motion. I'm going to ask the sponsors to consider tabling it to expand the Task Force. I'm not opposed to the idea, but I think there's some additional people that should be on the Task Force, particularly safety personnel and --

**LEG. VILORIA-FISHER:**

Mr. Chair.

**LEG. LINDSAY:**

And I think the County Attorney's Office, although shouldn't be a voting member of it, should be present in the meetings and the consideration whether to move forward with this project or not.

**P.O. CARACAPPA:**

Legislator Crecca, Vilorina-Fisher, and Caracciolo.

**LEG. CRECCA:**

Yeah. Just to answer Legislator Lindsay's question, there was -- I had discussions with the Commissioner of Parks as recently as yesterday on two capacities. Number one is on the issue of the Park Police, there was a request that they serve in an advisory capacity to the committee. They should be there. They have information on this, as do other, you know, groups and sources. So I will ask the Presiding Officer, when the -- if this passes, and I understand it has the County Executive's support, if it passes, to ask the Park Commissioner to make sure that the Parks Police are there in that advisory capacity and to provide information.

In addition, I would point out that, certainly, the County Attorney should serve in an advisory capacity to any Task Force that's set up. It's not a good idea or a good precedent to allow the County Attorney to sit on the Task Force. Their role as County Attorney has always been one of an advisory capacity. And I would certainly encourage the County Attorney to serve in that advisory capacity, and I think that would have the support, also, of the County Executive. And I would, again, make that request through the Presiding Officer, since I think -- I know one of the appointments is us.

Understand, too, it has to come back, the bill, to this body for the appointments on that committee, as well as this is only a Task Force to gather information and pass it on to us. This is not a committee to only -- their only purpose there is information gathering and make recommendations to the Legislature.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. Mr. Crecca and I did speak privately on this, and I just wanted to be very clear that it was not horse trading, as was characterized that -- and I'll say this for the benefit of those who have come to speak here today and given up your own personal time.

When I was 21 year old, I came to teach at Selden Junior High School, and I had a number of students who were hurt in ATV accidents. I went to the hospital to visit kids who were paralyzed. It frightened me and I never let any of my own children have a dirt bike, which was one of the -- what we used to call it then. It doesn't mean that other people don't have a right

to do it. But it's truly important to me to have somebody in law enforcement, who is a voting member, not just an advisory member, a voting member. I'm not opposing this. I'm asking the sponsor to table it for one cycle and add a voting member of law enforcement, so that it will protect the children, your children who are out there, as well as neighbors, or anyone else who's involved in this.

I'm saying this to you from the heart. I really feel it's important to have somebody from law enforcement on this committee, and that's why I'm asking and insisting, although people have been talking about this with me all day, I'm asking that it be tabled for one cycle to add a voting member from law enforcement.

**LEG. CRECCA:**

And if I may --

**LEG. CARACCILO:**

Mr. Chairman.

**LEG. CRECCA:**

-- respond to Legislator Fisher, because it may be able to get us out of here.

**P.O. CARACAPPA:**

Point of personal privilege?

**LEG. CRECCA:**

Yeah, I would ask --

**P.O. CARACAPPA:**

Go ahead.

**LEG. CRECCA:**

-- for a point of personal privilege. Legislator Fisher, would that change -- that would satisfy your concerns with the Task Force?

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CRECCA:**

Then, you know what, I'll make a motion to table one cycle. And what we'll do is, just so we don't delay the --

**LEG. CARACCILOLO:**

There's a motion on the floor, Mr. Chairman.

**LEG. CRECCA:**

Just so that we don't delay the actual work of them, we could even look at some points. And I would invite Legislator Fisher to talk to myself and the Presiding Officer regarding possible appointments to the committee. We could even handle those at the next meeting, too, possibly. So I'll make a motion to table --

**LEG. VILORIA-FISHER:**

Thank you.

**LEG. CRECCA:**

-- at the request --

**LEG. CARACCILOLO:**

Well, there is a motion on the floor. I don't know why the sponsor doesn't --

**P.O. CARACAPPA:**

Michael. Michael, please.

**LEG. CRECCA:**

At the request of Legislator Fisher, I'd be happy to entertain that motion.

**P.O. CARACAPPA:**

Legislator Caracciolo, please.

**LEG. VILORIA-FISHER:**

Thank you.



**LEG. CARACCILO:**

You talk about filibustering an issue, please.

**P.O. CARACAPPA:**

There's a motion and a -- oh, Legislator Caracciolo has the floor.

**LEG. CARACCILO:**

Okay. Thank you. I, too, as you well know, Mr. Chairman, had extensive conversation with you yesterday, and even though I was initially reluctant to support this resolution, and somewhat still, I think, if there is a fair and equitable distribution and representation of community activists, Department of Environmental Conservation, County Attorney's Office, because there are huge liability questions here, and let's put to rest this notion that Suffolk County has 46,000 acres, and somehow most of it can be set aside for this use. That is just plain not -- plainly not true. All right? So it comes down to what community is going to embrace an ATV park? So I will support the tabling motion and the suggestions of my colleagues, Legislators Vioria Vivian Fisher, as well as -- I'm sorry.

**P.O. CARACAPPA:**

Close enough.

**LEG. VILORIA-FISHER:**

It's okay, close enough.

**LEG. CARACCILO:**

And Lindsay, because I believe this approach, at the end of the day, will not add up to anything substantive. I think we're leading a lot of people down the garden -- primrose path. I don't want to prejudice the outcome of this group, but I think, if anybody has spent some time looking at this issue on a national or regional scale, you will see that most communities, they simply are not welcomed, and they're not embraced by government and government funding.

**LEG. LINDSAY:**

I have to say something.

**P.O. CARACAPPA:**

Legislator Schneiderman, then Lindsay.

**LEG. SCHNEIDERMAN:**

Thank you, Presiding Officer.

**P.O. CARACAPPA:**

And we'll try and wrap it up.

**LEG. SCHNEIDERMAN:**

I certainly understand the motivation behind creating such a Task Force. There are an awful lot of users of dirt bikes and ATV's, and there has been a great deal of problems with the illegal use of these things. But there is a presumption here that creating an ATV park will somehow lead to a reduction in the illegal use. And I think, if we're going to create a Task Force, and I like the idea of creating a Task Force, we ought to expand the scope to look at what are the best ways to reduce the illegal uses of ATV's in the parks. Now, if it turns out that this is the best way, I'm all for it, we can get to the siting issues. But I think we ought to be developing a package of ways to reduce the use. And we should have more people on this committee who can help facilitate the answers to that question.

**LEG. CRECCA:**

Yeah, what I --

**P.O. CARACAPPA:**

Legislator Lindsay was next.

**LEG. CRECCA:**

Oh, I'm sorry, Legislator Lindsay.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. CRECCA:**

I apologize.

**LEG. LINDSAY:**

Yeah. I don't mean to prolong the debate, I know everybody wants to break for lunch. I started

off the debate on the tabling motion, and I would be satisfied if safety was represented at the table. I don't mean to expand it anywhere further than that. And I, unlike Legislator Caracciolo, do believe that this can produce a solution to this problem, and it is a problem. And, as Legislator Schneiderman pointed out, we have this activity illegally all over public lands in Suffolk County right now. What I'm looking for is a controlled solution that people that embrace this as their sport can go someplace legally with their family and enjoy this recreation in, hopefully, a safe surrounding that doesn't destroy public lands. And I look forward to this Task Force producing a solution.

**LEG. CRECCA:**

Yeah, and just --

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Just maybe to wrap it up. But there's no intention, by the way, to use any environmentally sensitive lands or parklands. There's no intention here to build a park yet. This is a Task Force to gather information. The bill has been laid on the table since September 16th, and this is the most input that I've had, with the exception of Legislator Caracciolo, who contacted me early on in the bill's -- when the bill was introduced. And I know, Legislator Schneiderman, you're new to the table, so I don't direct it at you, but if there's any other input I, just ask that you direct it to my office. We're happy to take a look at it, so that we can move this at the next meeting. I appreciate everyone's input, and I will try to make the bill as comprehensive as possible. And thank you.

**P.O. CARACAPPA:**

I appreciate all the input. There is a motion to table and a second. This will be taken up with a corrected copy, an amended copy, and dealt with at the next full Legislative meeting. There's a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

It's tabled for one meeting.

**2050 (Authorizing acquisition under the Greenways Program in connection with acquisition of Farmland Development Rights at Center Moriches (Town of Brookhaven)).** Legislator Caracciolo, have you had a chance to review, or do you want to pass --

**LEG. CARACCIOLO:**

No.

**P.O. CARACAPPA:**

Okay. Okay. I appreciate the indulgence of my colleagues. We're going to break for lunch. We'll return for public hearings at 2.30.

***[THE MEETING WAS RECESSED AT 12:45 P.M. AND RESUMED AT 2:40 P.M.]***

**P.O. CARACAPPA:**

Good afternoon. I'd like to start the public hearing portion of today's meeting. Mr. Clerk, is -- the affidavits of publication, they've been filed and are in proper order?

**MR. BARTON:**

Yes, they are, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you, Mr. Barton. Let's go directly to the first public hearing. **1872 (A Charter Law creating Suffolk County Department of Aviation).**

**MR. BARTON:**

It's been canceled, Mr. Chairman.

**P.O. CARACAPPA:**

It's been canceled. Public Hearing regarding **1004. This is a Local Law to expand scope of Suffolk County Electrical Licensing to include Electrical Inspection Agencies.** I do not believe I have any cards. Anybody wishing to be heard on this public hearing?

**LEG. LINDSAY:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by --

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

-- Legislator Lindsay, second by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions?

Public hearing 1004 is closed.

Moving on to **Public Hearing 1005 - A Local Law to amend Living Wage Law to provide conformity.** 1005, I have no cards. Anyone wishing to be heard on this matter? There's a motion to close by Legislator Lindsay, second by myself. All in favor? Opposed? Abstentions? Public Hearing 1005 is closed.

Moving on to **Public Hearing 1010 - A Local Law to reduce number of County Legislative Districts to eleven.**

**LEG. CARACCILO:**

Motion to recess.

**P.O. CARACAPPA:**

I have no cards. Is there anyone wishing to be heard on this matter? Motion to recess by Legislator Caracciolo, second by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions? Public Hearing 1010 has been recessed.

**Public Hearing 1018 - A Local Law defining income for senior citizens real property tax exemption.** I have a card, Lynne Bizzarro.

**MS. BIZZARRO:**

Thank you, Presiding Officer. Good afternoon, Ladies and Gentlemen. It's a pleasure to be here. My name is Lynne Bizzarro. I'm the Chief Deputy Suffolk County Attorney, and I am here today to discuss I.R. 1018-2204, amending Suffolk County Code Article II, Section 458-7.

The current Section 458-7, entitled "Defining Income for Senior Citizens Real Property Tax Exemption," sets forth that the real property tax exemption for senior citizens applies to real property owners 65 years of age or older in the event the income of the owner or owners for the year prior to the date the application is made does not exceed \$21,500 for the granting of a 50% of assessed valuation exemption, or does not exceed 21,500, plus just under, 8,000 -- excuse me, seventy-five hundred dollars for the granting of a partial exemption from taxes on a sliding scale of percentages from 45% of assessed valuation down to 5% of assessed valuation. I hope I've explained that well enough.

Co-op owners are included as real property owners as well. Their real property ownership is calculated by establishing their percentage of share ownership to the outstanding stock of the corporation. Section 467 of the New York Real Property Law permits localities to opt into the State program for this exemption, and to amend the maximum income eligibility level to the extent provided by State law. New York State recently increased the maximum income eligibility level, and the purpose of the resolution before you today is to reflect the recent changes made by the State.

The proposed amendment would do three things: It would increase the 21,500 income limit to \$24,000, it would increase the maximum income eligibility level for the granting of a partial exemption to just under \$32,400.

Consequently, the second amendment would allow for a sliding scale exemption for seniors earning between \$24,000 and \$32,399.99. As an example, in the event a senior homeowner earns \$23,000 per year, he or she would be eligible for an exemption based upon a 50% assessed valuation of the property. In the event the owner owns -- earns \$30,000, he or she would be eligible for an exemption based upon 15% of the assessed valuation of the property.

The third -- the third proposed amendment would also basically state that the amendment applies to the assessment roles on or after.

January 1st, 2004 -- 2004, so this year.

The new law would be effective upon the filing of it with the Secretary of State, as the applications for the exemptions are due March 1, 2004, which is the taxable status date. The local law should be in place by that date, and this local law would affect all applications filed by that time.

The fiscal impact is basically neutral to the County. The exemption only applies to the County portion of the taxes. Any lost property taxes from the granted exemption will be made up by a modest shifting of taxes to noneligible seniors and nonsenior citizens to offset the loss.

Mr. Knappe from the Budget Office can speak more knowledgeably on this issue, if you'd like to have him speak as well. I also ask that this public hearing be closed today.

**LEG. CARACCIOLO:**

Motion to close.

**P.O. CARACAPPA:**

There are some questions. Legislator Viloria-Fisher.

**LEG. VILORIA-FISHER:**

Yes. There was a little bit of confusion in the Ways and Means committee regarding how this would affect someone's actual tax bill. I think that there was an interpretation that it would only be -- affect the General Fund tax. But, if it's an income eligibility, it would seem that it would affect both the General Fund and the Police District and the other County lines.

**MS. BIZZARRO:**

Absolutely, that's absolutely correct. And I believe that, basically, I have confirmed with Paul Sabatino and he stated that he had advised the Legislator -- the Legislature over the past 20 years that it applies to both those funds for the County.

**LEG. VILORIA-FISHER:**

Okay. Mr. Crecca, as Chair, I just wanted to point out, too, that this was something that we had discussed in our Ways and Means Committee and we had thought it was only the General Fund, but it's all the County tax lines would be affected by this, because it's income eligibility. Okay. Thank you very much for clearing that up.

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

Any other questions? Motion to close by Legislator Caracciolo.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Is there a second? Second by Legislator Viloría-Fisher. All in favor? Opposed abstentions? 1018 is closed.

Moving on to Public Hearing on **Introductory Resolution 1019 - A Local Law expanding first time homeowner County property tax exemption**. I have one card, Lynne Bizzarro.

**MS. BIZZARRO:**

Good afternoon again. I'm going to give you -- going to try to give you a brief synopsis on this law as well. I'm just here to discuss 1019-2004, amending Suffolk County Code Article XIII, Section 458-34.

The current Article XIII sets forth that the real property tax exemption applies to first-time home-buyers of newly constructed residences that are sold within certain purchase price limits, pursuant to the Sonymae Program as of January 1, 2001. The exemption, if granted, extends for five years on a downward sliding scale of percentages from 50% of assessed valuation in the first year to 10% of assessed valuation in the fifth year. The exemption can also apply to a first-time home-buyer who purchases a home and enters into a contract within 90 days after closing for reconstruction or improvements to the home valued at over \$3,000, provided that the assessed value after such improvements does not exceed 50% more than the purchase price limits allowed.

The exemption also will not be granted if the household income of the applicant exceeds certain limits, as set forth by the Sonymae Program as of January 1, 2001 as well. The exemption only applies to purchase contracts executed or actual purchases made prior to December 31st, 2005. The home built or purchased must be owner occupied.

Section 457 of the New York -- excuse me -- State Real Property Tax Law permits localities to opt into this program as well. I.R. 1019 proposes to amend the Suffolk County Code Section



458-34 to conform to recently enacted or recently amended State law by changing basically the effective dates of the purchase price limits and the maximum mechanic eligibility level of the first-time home-buyer. That's specifically all it will do.

State Legislative findings indicate that the lack of affordable housing in New York has resulted in a loss of potential first-time home-buyers in the State, and a loss of perspective employees to New York State businesses. The law was intended to make New York State more competitive with other states that have lower housing costs and to spur economic growth by providing localities with an opportunity to draw first-time home-buyers and prospective employees to New York.

The proposed amendment would do two things. The purchase price limits will continue to be based on the Sonymae Program, but they will be determined under the program that is in effect as of the date the sales contract for the property at issue. So, basically, it looks to the contract date. In addition, the maximum eligibility level will also be based on the Sonymae Program, but it, too, will be determined under the program that is in effect as of the date of the sales contract, not January 1, 2001.

The amendments apply to assessment rolls on or after January 1, 2002. So what that means is they will apply to the tax roll for this year, January 1, 2004. All applications have to be in by March 1st, which is the taxable status date. Therefore, we need to have the law implemented in a timely fashion. Excuse me. The new law would be effective upon the filing of it with the Secretary of State, and it would affect all applications filed in time, which would be the March 1, '04 date.

The financial impact of the law, obviously, positive to first-time home-buyers. The fiscal impact is neutral to the County again, and the exemption only apply to the County portion of the taxes, all of the County portion of the taxes, and any lost property taxes from the granted exemption will be modestly shifted to noneligible persons, excuse me, to offset the loss. And again, Mr. Knappe can speak more knowledgeably on this issue, the fiscal impact.

Again, I ask that the public hearing be closed, and thank you for listening to me.

**P.O. CARACAPPA:**

There are questions. Legislator Alden.

**LEG. ALDEN:**

You mentioned that it's got no fiscal impact, yet, if you're granting somebody a tax exemption or a partial tax exemption, that's a loss of income to the County, so shouldn't that be reflected in your impact statement?

**MS. BIZZARRO:**

Well, it's neutral to the -- I'm sorry. We'll have Mr. Knappe --

**MR. KNAPPE:**

The fiscal impact to the County would remain neutral. We are still going to receive the dollar amounts for the property taxes that we are going to receive for all the districts. What it does is exactly what the Chief Deputy County Attorney mentioned, it shifts it from those who meet the eligibility criteria to the rest -- modestly to the rest of the taxpayer, the property taxpayers.

**LEG. ALDEN:**

But that's a fiscal impact, that's my whole point, it does impact.

**MR. KNAPPE:**

It does not impact the fiscal stability of the County, we are still receiving the same dollar amounts.

**LEG. ALDEN:**

Well, if I'm somebody that's not availing myself of the exemption, I've got a fiscal impact on me in that my taxes have just been raised.

**MR. KNAPPE:**

You are correct with that, and that's when we mentioned that it modestly shifts it to those individuals who do not meet the criteria.

**LEG. ALDEN:**

I still don't understand why it would be a no fiscal impact finding, though.

**MR. KNAPPE:**

Basically, the statement that I was saying is to the County itself, this is not a negative fiscal

impact to the County. The County is still going to receive the correct dollar amounts that we are to receive in our property taxes. What it does is it is a modest impact, if you'd like to call it to, the noneligible people who can receive the benefit, because it does modestly shift to their property tax bill. But to the County, itself, it is a revenue neutral tax exemption.

**LEG. ALDEN:**

All right. And maybe just as a suggestion, then, in the future on a fiscal impact statement, if you want to label it as neutral to the County, but then show that it's a shifting within the County of different taxpayers, that might be something that we might want to pursue.

The second point that I want to just find out about is, if we do all this, tax status date is March 1st, we are going to have to develop the application, and the towns are going to have to develop some kind of a way that they accept the applications and get this reflected in their taxes?

**MS. BIZZARRO:**

Well, they've already done that. This is just an amendment to an already existing law, and they have all the applications, etcetera, so there's nothing new. All this -- I just want to remind everyone, this is only -- basically, the amendment deals with income eligibility level, and that's really all this does. That's the only purpose of the amendment. I mean, everything's in place for this, it's just a matter --

**LEG. ALDEN:**

The application? But the application packets that you get from the town actually stated, you know, what the income eligibility was and the first -- all it -- you know, go through a whole bunch of criteria.

**MS. BIZZARRO:**

It's my understanding they've --

**LEG. ALDEN:**

So that's going to have to be reprinted?

**MS. BIZZARRO:**

-- they've already provided for the new income eligibility levels on it, so they've already notified

everybody that this could be something that they could be eligible for.

**LEG. ALDEN:**

Good. So you've taken care of that. Because that's my concern, that --

**MS. BIZZARRO:**

Yeah, that -- yes, absolutely.

**LEG. ALDEN:**

-- you know, we go and do this --

**MS. BIZZARRO:**

Right.

**LEG. ALDEN:**

-- and then the towns --

**MS. BIZZARRO:**

They don't know.

**LEG. ALDEN:**

-- don't have everything done, and then people are expecting to get a tax exemption and they just can't get it.

**MS. BIZZARRO:**

They already know, right, they anticipate it. And if it never gets passed, it doesn't get passed, but at least the notification goes out there, because the State law was -- came into effect, I believe, September of '03. So that was already out there for the municipalities to choose to make this amendment. So we want to get it in, obviously, as fast as possible, but it would be not a problem once the applications come in.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

Besides there's an income criteria, it's also a first-time home-buyer. So how many do you actually see per town happening?

**MS. BIZZARRO:**

I would be completely speculating. I have no idea what the numbers are like. I don't know.

**LEG. NOWICK:**

Is there any type of -- are there any numbers from last year when it was on the -- with the last law?

**MS. BIZZARRO:**

I would imagine that we and the towns have numbers as to what's been going on in the past, absolutely.

**LEG. NOWICK:**

I would really -- if you could, I would like to -- I'd be curious, broken down by towns, how many first-time home-buyers this actually affects per town.

**MS. BIZZARRO:**

Absolutely. And this is going back to committee, so it could obviously be presented at that point as well.

**P.O. CARACAPPA:**

Any other questions? There's a motion?

**LEG. COOPER:**

Motion to close.

**LEG. VILORIA-FISHER:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Viloría-Fisher, second by Legislator O'Leary. All in favor?  
Opposed?

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

Moving on to **Public Hearing 1020, it's a Local Law defining income for disabled person's real property tax exemption.** Two cards. First speaker is Lynne Bizzarro.

**MS. BIZZARRO:**

Up again. Okay. Everyone's getting to know me. Okay. This is the disabled persons exemption. Again, this is a law that Suffolk County already has in place. This just refers to an amendment, so that it's in parity with the State law.

The current Section 458-25 of the Suffolk County Code sets forth that the real property tax exemption for disabled persons, as they are defined in the code, who own real property and whose income is limited by reason of such disability, is available to such disabled persons in the event the income of the owner or owners for the year prior to the date the exemption application is made does not exceed \$21,500 for the granting of a 50% of assessed valuation exemption, similar to the senior one, and does not -- or does not exceed \$21,500, plus just under eighty-four hundred dollars for the granting of a partial exemption from taxes on a sliding scale of percentages from 45% of assessed valuation down to 5% of assessed valuation. Co-op owners are also included in this, as well as -- I'm sorry. Co-op owners are included as real property owners as well.

Some points of the law are there needs to be proof of disability, you need some type of an award letter. Proof of permanent disability need only be made in the first year it is determined that the disability is permanent. You cannot get this exemption and the senior citizen exemption at the same time, so that's important. Property must be used exclusively for residential purposes. If not, the exemption only applies to the portion used for such purposes. And the property must be the legal residence of the disabled person, unless that person is an in-patient of a residential health care facility. This exemption applies to real property held in trust for the benefit of the disabled person as well.

Section 459(C) of the New York Real Property Tax Law also permits localities to opt into this law, and to amend the maximum income eligibility level to the extent provided by State law. New York State recently increased the maximum income eligibility level, and the purpose of the

resolution before you is to reflect the recent changes made by the State.

State Legislative findings indicate that the State's disabled residents who live on fixed incomes, who face an ever increasing real property tax burden need and deserve help. This exemption provides benefits to individuals with disabilities equivalent to the State's senior citizens exemption. The exemption will help to keep the disabled homeowners in their homes, as opposed to them moving into more costly options of publicly supported institutions.

The proposed amendment would do three things. It would increase the \$21,500 income limit to \$24,000, and it would increase the maximum income eligibility level for the granting of a partial exemption to just under \$32,400. As an example, similar to the senior citizens example, in the event a disabled homeowner owns \$23,000 a year, he or she would be eligible for an exemption based upon 50% of the assessed valuation of the property. In the event the owner owns -- excuse me -- earns \$30,000 a year, he or she would be eligible for an exemption based upon 15% of the assessed valuation of the property. The amendments would also apply to the assessment roles on or after January 1st, 2004. Again, the application has to come in by March 1st and the person could be eligible for the exemption.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Was the speaker done? Were you done with your presentation?

**MS. BIZZARRO:**

In about a minute.

**LEG. CARACCILO:**

Oh, okay. I thought you were done.

**MS. BIZZARRO:**

The new law would be effective upon the filing of it with the Secretary of State, and it would affect all applications filed by that date.

The financial impact of the law, obviously, positive to the disabled persons entitled to the exemption.

Again, the fiscal impact is neutral to the County. The exemption only applies to the County portion of the taxes. However, the lost property taxes from the granted exemptions will be modestly shifted to the noneligible persons to offset the loss.

Again, Mr. Knappe can speak -- thank you -- can speak more knowledgeably on the fiscal impact issue.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

And that's where my question is directed, at the financial impact statement.

**MS. BIZZARRO:**

Yes.

**LEG. CARACCIOLO:**

Mr. Knappe, do we maintain any statistics on how many individuals in the County, be it disabled, be it senior citizen, take advantage of these tax abatements?

**MR. KNAPPE:**

I can't speak specifically for that. For the committee meeting that this would be in front of, we can go to the Human Services Division and ask to see if we have that information. For the other bills, we can reach out to the Community Development Office of the County and see exactly what type of applications they receive and reach out to the towns as well.

**LEG. CARACCIOLO:**

Okay. The towns I would think would be the best source of information.

**MR. KNAPPE:**

Correct.

**LEG. CARACCIOLO:**

And since this is only earmarked that the County portion of real property taxes, I think, you



know, it's important that it gets reported that way, so someone doesn't read about an initiative like this and think it's going to apply across the board to their school district taxes, town taxes, etcetera.

**MR. KNAPPE:**

And one point, if I could just clarify an answer that was given to Legislator Alden. The exemption is currently in existence, we are just changing the threshold somewhat, so the impact isn't as great as someone would -- might think, if they -- if it wasn't reported that way.

**LEG. CARACCILOLO:**

I think it would be helpful to all, though, if we could quantify exactly what that, as some might say, cost shifting might be.

**MR. KNAPPE:**

I don't know if we'd be able to get it compactly, but we'll try to --

**LEG. CARACCILOLO:**

Well, if we can get something close, it would be helpful.

**MR. KNAPPE:**

I'll definitely reach out to --

**LEG. CARACCILOLO:**

The impact may not be as great as some might suspect.

**MR. KNAPPE:**

I don't think it is, and I would like to have that data as well to share with you.

**LEG. CARACCILOLO:**

Thank you.

**P.O. CARACAPPA:**

Any other questions? Thank you. Next speaker is Michele Delmonte.

**MS. DELMONTE:**

Good afternoon. My name is Michele Delmonte, and today I represent Bruce Blower, Director of

Suffolk County Office of Handicapped Services.

Suffolk County Office of Handicapped Services supports any move or passage of any enabling legislation that will increase the earning caps and eligibility for people with disabilities to take advantage of property tax relief. Similar legislation was passed in 1997 -- similar legislation was passed in 1997, and the Office for Advocate for the Disabled did report in 2001 that for that year, 223,000 senior citizens and 4,700 homeowners with disabilities did receive that tax exemption, but that were -- they are statewide numbers for the entire year. Okay?

If you have any other questions, we'd be happy to answer them

Mr. Blower was held up at a meeting at the VA Medical Center and be happy to answer any of your additional questions in committee. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Any questions? Thank you very much. I have no cards.

**LEG. O'LEARY:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed?

Abstentions? 1020 is closed. Moving on to **Public Hearing regarding Intro Resolution 1023 - Authorizing alteration of rates for South Ferry**. I have some cards. Our first speaker is Michael Galluscio.

**MR. BARTON:**

Mr. Chairman, while he's coming up to the microphone, the South Ferry has filed an amended application, and this hearing is being held pending the issuance of the Budget Review Office report.

**P.O. CARACAPPA:**

Thank you. Mr. Barton.

**LEG. FOLEY:**

Mr. Chairman, could we also have Mr. Duffy available?

**P.O. CARACAPPA:**

Excuse me?

**LEG. FOLEY:**

Could we have Mr. Duffy available for the next series of public hearings?

**P.O. CARACAPPA:**

Deputy Presiding Officer Carpenter just requested that as well. Thank you, Ilona. Here he is. Yeah, he's here. Mr. Galluscio, go right ahead.

**MR. GALLUSCIO:**

The Honorable Michael J. Caracciolo and the Suffolk County Legislators, what you are holding in your hands is a compilation of legitimate suggestions and recommendations from myself and other concerned members of the community regarding the ferry rate increase. Also included are suggestions for creating a more user friendly ferry service.

I originally presented this information Thursday, January 22nd, 2004, at the public hearing at the Shelter Island Town Hall. At that meeting, South Ferry, Incorporated further amended their rates for the commuter and resident tickets.

My personal feeling on the amendments -- the rates -- my personal feeling on the amendments is that we are definitely moving in the right directions, but, still, I'm not the type of man to only care about himself.

There still needs to be further reductions in other areas. There is also another underlying theme that needs to be addressed. Where is New York State? And if they did come to help defray the cost of running the South Ferry, what would the strings attached be.

New York State has a seemingly nonexistent role on Route 114, connecting North Haven to Shelter Island. We do pay taxes on the water roadway, yet none of the money seems to be going to help subsidize the ferry service. It's almost like we are getting taxed twice.

It is also a general feeling amongst many residents and visitors to Shelter Island that the State should step up to the plate and start helping to cover the cost.

At this point, I'd like to take you to the bottom of Page 3. During the course of the last month-and-a-half, I put my phone number in the local newspaper and I've had people call me up and give me a lot of different ideas and suggestions on how things could be run a little bit better. Some of the stuff was pretty far out, and some of the stuff was right on, and I took a lot of it, I wrote it all down, and here's some of the results. If you take the bold print at the bottom of Page 3.

State funds helping to defray the cost of running the ferry service. This is pretty self-explanatory. It is also the right thing for the State to do, since Route 114 is a State road. Therefore, it is also their responsibility to make sure the ferries are running smoothly and without delay. I would also like to add that many Islanders are hungry for more information on this subject.

Over to Page 4. Electronic road traffic counters. This is also very important. The State should put these devices in place at both ferries. This will help paint a more accurate picture as to what the flow of traffic is across the Island.

An independent traffic study. This would help determine who the ferry riders are, residents, nonresidents, commuters, trucks, etcetera. The independent results would be important to have before any increase is given.

Ending the free ridership. As I stated earlier, I do not enjoy this idea, but it is the right thing to do. They should have to start contributing something to the ferry company, if the ferry company needs the money that badly in order to keep up with the traffic crunch. Even half price would help.

Senior citizen discounted tickets. Many of the seniors I've talked to are on fixed incomes. They need their fares reduced, not increased.

Resident window stickers. This would probably be one of the more important suggestions of all. Basically, not much different than a parking sticker, making it easy for residents to always be treated like residents, and never having to worry about getting stuck without resident

discounted tickets.

I know South Ferry's natural defense to this suggestion is that people would be lending each other their cars. Well, then consider this. Don't you think it is more likely that they would lend a resident ticket before they gave out their cars? Simple logic would also dictate that this would be much more cost effective to put into place than any electronic pursing system that some of the residents don't even feel we need. This might also keep the increase more reasonable for everybody, I might add.

The sale of discounted resident tickets on the boat, making it easier for residents with normal working hours to get the discounted tickets tickets. This service is offered to nonresidents. I think it's definitely time for us to get the same treatment.

The ability to buy two books of tickets simultaneously. As I stated in the beginning of this letter, South Ferry, Incorporated only allows you to buy one book of ten tickets every 14 days. This to me seems very unreasonable. This also leads to a resident eventually having to pay the higher cash fare. Here is what some would argue, why not buy a commuter pass? Well, over the past month-and-a-half, since I started collecting thought of Islanders for this letter, I've hear several stories from people saying that they were denied a commuter pass, because they were traveling for recreational purposes.

South Ferry, Incorporated also argues that people would be giving out their tickets to nonresidents. This is probably true. People will always break the rules, but to me that is not justification to punish those who follow them.

Honoring round trip tickets the next business day. This service is offered to some residents with night jobs. It should be offered to everyone, and it is the least they can do, since there's no 24-hour service.

24-hour ferry service, this is a very touchy subject with many different angles, but it is definitely time to start getting the wheels turning on this one. One really good suggestion I heard would be for the ferry companies to alternate months. Each would stay open 24 hours. It is no longer acceptable in this day and age to keep shutting off ferry service to the mainland after 11:45 p.m. I am also positive that shutting down the ferry service so early in the evening creates a lot of unnecessary speeding, road rage, and, of course, collisions with our friends, the deers. This

subject definitely deserves a public hearing all its own.

And on to Page 5. Another hearing on Shelter Island. After the hearing at Shelter Island Town Hall January 22nd, 2004, many people came to me saying they felt not enough information was given out. Also, the time, day, icy roads prevented many people from attending. We are asking for a second hearing on the matter on Saturday or Sunday, possibly at a larger location, so attendees don't have to stand in the hallway. At this meeting, we would request that Mr. Clark make a presentation as to what his exact plans are for the money generated from the proposal. We would also request that the State send a representative to talk to us about what New York State can do to help subsidize the cost of ferries, so maybe we could see a decrease in our ferry rates.

Mr. Clark also talked about there being strings attached to State Aid. If the conditions of State Aid do not hurt the general public, I feel it is definitely worth putting on a referendum during the summer months, or the majority of Shelter Island's registered voters are home. Thank you.

**D.P.O. CARPENTER:**

Thank you very much. Next speaker, Cliff Clark.

**MR. CLARK:**

Good afternoon, Legislators. Thank you for your time. I really just wanted to let you know that there's not anything really that we want to address at this time, because the Budget Review Office report has not been completed. And we understand there'll be a subsequent hearing at which the Legislature will take a vote.

I'll be happy to answer any questions, but, basically we have made some modifications to our original amendment, and those are being looked at by Budget Review and by Mr. Caracciolo. And it would seem appropriate that our presentation should come in line with those having been reviewed by the Budget Review Office. However, I'm here, I signed up, so I thought I'd come up and let you know that I'm here, if anybody has any questions or anything that they want to address.

**D.P.O. CARPENTER:**

Thank you very much, Mr. Clark. Does anyone have any questions? Legislator Caracciolo.

**LEG. CARACCCIOLO:**

With respect to the handout that --

**MR. CLARK:**

Yes. Yes, sir.

**LEG. CARACCILO:**

-- you're familiar with, while you haven't seen this version, we had --

**MR. CLARK:**

No.

**LEG. CARACCILO:**

-- something similar to this at Thursday's meeting.

**MR. CLARK:**

I have not.

**LEG. CARACCILO:**

I would like you to take a look at that, Cliff, and respond point by point to some of the suggestions being made.

**MR. CLARK:**

At this time, you'd like that?

**LEG. CARACCILO:**

No.

**MR. CLARK:**

Okay.

**LEG. CARACCILO:**

No, no, no, no. I'd like that in writing. That will help me formulate whether or not we should have another public hearing on Shelter Island. Let me say, Madam Chair, and colleagues, that I want to thank Legislator Jay Schneiderman, who represents the South Fork, for coming out. It was a rather balmy night, it wasn't inclement weather at all. I didn't find the roads from Baiting

Hollow out to Shelter Island as being icy. I don't know if they were on the South Fork. I don't believe, given the attendance we had, that anyone was restricted or limited in traveling a couple of -- four or five miles at the most, if you're an Island resident, to the meeting. But having said that, I think there are some other valid points that are raised in this correspondence.

I'd also like Kevin Duffy point by point in his Budget Review analysis to respond, particularly to the request, repeated request by Island residents for State assistance, you know, with respect to 114.

Now, for clarification, and I appreciate Legislator O'Leary had asked me earlier, what does State Route 114 have to do where the ferry company, and, Cliff, maybe for the record you can state what the cause and effect relationship is.

**MR. CLARK:**

Yes. Thank you for that opportunity, because I thought that was one of Michael's strongest appeals. The others is kind of a shopping list of the things we hear from individual from time to time over the years, and we'll address each one of them, as you've requested, Mr. Caracciolo.

South Ferry Services -- there are two ferry companies that service Shelter Island, one is the North Ferry Company, which goes from the North Fork, the Greenport town to Shelter Island, and the other is the South Ferry Company, which services the South Fork and the Shelter Island side. My family as operated the South Ferry from around 1800 until today. My brother and my wife and I are the Directors of the company and we are the owners of the company. And we're the oldest continuous same family run ferry boat company in America.

And we actually connect two pieces of Route 114. It ends -- 114 starts at East Hampton and ends at the bridge on Shelter Island at Bridge Street. It comes down to North Haven and terminates at our dock. And we cover about a little over a quarter of a mile channel crossing over to Shelter Island where one 14 continues almost to North Ferry. It stops about a half mile short of North Ferry. And we actually maintain more than a quarter mile of the State highway. We get no subsidy of any type.

For example, we built two new ferry boats on our last rate application, which was 1997, we're coming up on seven years since our last application, and we built two new boats. We had said we built one when we appeared before this body last time and we actually built two on that increase. And on both those boats, we had to pay full 8 1/2%, I think it was, sales tax. There's



no tax relief, even for capital improvements. That would have saved, you know, a couple of hundred thousand dollars, essentially, and we get none of that kind of break. I don't know what it costs for the State to maintain a quarter mile of highway, but we actually this year and every two years have to go out and spend about 15 or \$20,000 ourselves with our own equipment, dredging the slips and the channel, so we can move the ferry back and forth at low tide. These are things the State should do. There are some things that we could get, and if stuff like that happened, you may never see us again.

So I really -- we appealed to the State several years ago, Senator LaValle and others, and really didn't get anywhere. If there's some way that this body could assist us in that, we would -- we would get in lock step with you. And as I did on Shelter Island several weeks ago, I invited Michael to join me in that effort to appeal to the State, because there's a lot of validity to that point that he made.

**LEG. CARACCILO:**

Legislative Counsel's temporarily out of the room, but I'm going to request from her a Sense of this Legislature to the State Legislature to undertake that -- those maintenance operations over from the ferry companies, because it also affects North Ferry.

**MR. CLARK:**

Absolutely.

**LEG. CARACCILO:**

Jim.

**MR. SPERO:**

For a number of years, going back at least 20 years, we suggested that the State take over the part of 114 that goes through the Shelter Island Heights, and that road is maintained by the Property Owners Corporation of Shelter Island Heights. And what's happened over the years is that the Property Owners Corporation did not want to relinquish control of the road, and the back-charged the ferry for maintenance of that road.

**MR. CLARK:**

I'd like to make it perfectly clear, Mr. Spero, that we're talking about a different ferry company than is before you now, though, not us.

**MR. SPERO:**

Talking about North Ferry.

**MR. CLARK:**

Right. Sometimes people don't realize that they're two completely distinct and separate companies, and we want that to be very clear to this body, that we are not the North Ferry, that we are the South Ferry, and we're not involved, and when he talked about the Heights Property Association. We link two physical drive down, drive off the boat and you go to two different parts of the same Route 114. It continues for four miles after you leave our boat.

**LEG. CARACCILO:**

Mr. Clark.

**MR. CLARK:**

Yes, sir.

**LEG. CARACCILO:**

When you look back over seven years, what has been the cost of living increase for Shelter Island, and how does that translate in terms of this rate request?

**MR. CLARK:**

According to Mr. Lipp, your economist, the consumer price index for this region that's relevant to our people has increased just over 17% since our last application. And our application will come in at around 11 1/2 to 12% that we're seeking in rate relief overall for the process we're going through. Our traffic has increased by about 32% since seven years ago, but our expenses have increased over 40% because of fuel, because of we've hired some additional people to cover the additional traffic, and, you know, just like everybody else, medical and other things have gone past our income, our revenues.

**LEG. CARACCILO:**

In terms of these so-called State operations that you and the residents are paying for, as well as ferry users, as a portion or as a percentage of your total budget, what would that equate to?

**MR. CLARK:**

I don't think I understand the question exactly. You're saying if we got relief from this --

**LEG. CARACCIOLO:**

What's your total operating expense --

**MR. CLARK:**

Okay. Our total operating budget last year was \$3,245,000.

**LEG. CARACCIOLO:**

Okay. So, if you factored in the cost that you currently undertake to dredge the channels, maintain the roadway, how much money are we talking about on an annual basis?

**MR. CLARK:**

Well, we're -- you know, just on the taxes on the new boats was 8 1/2% on two-and-a-half mill, but that's not an every year occurrence. But we have dock work and maintain the platforms and the dock work that probably averages somewhere around 50,000 a year. We have, you know, fuel costs and things like that, like anyone else, and the dredging is about \$20,000 every two years. And we do anticipate in this present rate package, which we think will extend five or more years, we do anticipate building a third boat that would replace a 1948 hull that we now have operating. We've replaced a 1931 hull with the last boat. We have a 1948 boat that we anticipate replacing in about five years, and there would be a significant tax burden on that as well.

**LEG. CARACCIOLO:**

And what year did the two tier rate structure really take hold in terms of a substantially discounted rate for Island residents versus those who cross the Island occasionally or --

**MR. CLARK:**

It was in the late 1980's. I can't be exact. It was before the 19 -- we came in for rates in 1997. Prior to that, we were in in 1991.

**LEG. CARACCIOLO:**

I think that was the year it took effect, because I remember Legislator Thiele who represented Shelter Island at that time --

**MR. CLARK:**

He did, yes. It might have been just a little before that or around that time, you're right.

**LEG. CARACCILO:**

Right.

**MR. CLARK:**

It would be late '80's or early '90's.

**LEG. CARACCILO:**

Okay. Because I know my good friend and colleague here lives on the South Fork and has relatives on Shelter Island, made reference to that as someone who frequents the Island, either to travel to Shelter Island or the North Fork, where he has other relatives, it cost him -- I think, Jay, you said what, 40, 50?

**LEG. SCHNEIDERMAN:**

The question my colleague from the First District asked is that the cost for the casual user, and I would say, if I were going from the South Fork to the North Fork to stay overnight and returning the next day, I would spend currently about \$40 in fees, and it would go up slightly.

**MR. CLARK:**

Right. Now --

**LEG. SCHNEIDERMAN:**

That's between the two --

**MR. CLARK:**

Yes.

**LEG. SCHNEIDERMAN:**

That's two one-way tickets on each ferry, that's what you're saying.

**MR. CLARK:**

Right. That's four crossings, each of them one way, which is our highest individual fare, is the one-way cash fare. We have discounts, though, right now. We have a 25% off of the cash fare

available to any resident, not just Shelter Island, as Mr. Caracciolo is aware. We have the Shelter Island resident discount, which is the deepest one, established in the early '90's, perhaps. We also have for any resident, anybody in Suffolk County or any other County that goes over more than just once in a lifetime, they can buy a ten-trip ticket book at a 25% discount off the one trip list price. So that \$40 could be dropped down to somewhere around \$25 for a person with another -- with two people in the car around -- all going over and back twice, they could be dropped down, if they brought the ticket book and used them out over the period of time that they needed them on occasion.

**LEG. CARACCIOLO:**

Mr. Clark, I'd also like you to respond to the issue of round trip tickets next business day use. This was a contentious issue last Thursday night and I thought you clarified it rather well. And I think for the official record here today, you should do so.

**MR. CLARK:**

Okay. The -- yes, sir. The people that work overnight, like nurses and people that have businesses that take them off the Island at the end of the day and they come back the next morning, we honor that ticket. But, for our bookkeeping purposes and closing out the books, our round trips are purchased today -- the round trip purchase today needs to be returned for that fare by the end of today's business day, and that closes out our books for the day, clean cut the next day the people come in and do the bookkeeping and process it on and then it's tidy. That's the reason for that, it's not just an arbitrary situation, otherwise, we've got tickets that are out there for whatever period of time that could come back and end up on a month later, a year later or two years later some kind of an accounting. And so a general one round trip ticket has to be redeemed the same day, but we do make exceptions for people that have work the day before and it keeps them overnight at their job and they can redeem it the next day.

**LEG. CARACCIOLO:**

Okay. Thank you. And, again, I'll look forward to your responses to the other points made in this correspondence. Do you have a copy?

**MR. CLARK:**

I do, yes, sir.

**LEG. CARACCIOLO:**

Okay. Thank you.

**MR. CLARK:**

Thank you, Mr. Caracciolo.

**D.P.O. CARPENTER:**

Thank you. Are there any other questions for the speaker? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Cliff.

**D.P.O. CARPENTER:**

Mr. Clark, Cliff, if you could come back. Thank you.

**MR. CLARK:**

Sorry about that, Mr. Schneiderman.

**LEG. SCHNEIDERMAN:**

Thank you, Mr. Clark. Most of my questions I'm going to reserve until that Budget Review document --

**MR. CLARK:**

Understood, yes.

**LEG. SCHNEIDERMAN:**

-- is presented. And I had a very lengthy conversation with Kevin Duffy and with Jim Spero yesterday --

**MR. CLARK:**

Okay.

**LEG. SCHNEIDERMAN:**

-- letting them know some of my concerns, and, hopefully, those things will be reflected in the document. There are two main things. One is first establishing that a rate increase is warranted.

**MR. CLARK:**

Right.

**LEG. SCHNEIDERMAN:**

These are tough times, as I said at the meeting the other day, for -- you know, particularly for young families living in Suffolk County. Costs everywhere are going up. A lot of young families have left this area and I want to see them stay here. So, when we look at these kinds of things, I want to look at them very carefully. And, first, the question is justifying that rate increase. As you say, it's about 11% increase, you said about a 3 million dollar budget, so rounding -- roughly about \$300,000 additional in operating expenses. Some of that, obviously, translates into profits, and assume that you're talking about you don't perceive a need for about five or six years for another rate increase. Of course, there's no guarantees in this that you won't come next year asking for more, but I would assume that those profits would decrease slightly through the years as inflation goes.

But justifying what is an appropriate level of profit I guess is somewhat of a subjective call. I'm going to have to look at those numbers and look at the profits through time, and try to make my own judgment call on that. That's only -- that's only one issue.

Let's say -- let's say I'm satisfied that a rate increase is warranted. Then the question becomes how do you apportion that rate increase? Now, I know you live on Shelter Island, and I know my colleague, Legislator Caracciolo's district includes Shelter Island, and judging from the comments made at that public hearing on Shelter Island the other day, clearly, the people on Shelter Island feel that any rate increase, there should -- the rates should be kept lower on Shelter Island, and the rate increase should be borne out by those who don't live on Shelter Island. And I certainly could understand that sentiment if you lived on Shelter Island, but, you know, my constituent and the rest of the County doesn't live on Shelter Island. Already there is a disproportion -- it's hard with this conversation that's in my right ear.

**LEG. CARACCILO:**

Sorry.

**LEG. SCHNEIDERMAN:**

Thank you, I appreciate it. Already, there is a disparity between the rates on and off the Island,

where you have people who don't live on Shelter Island paying roughly twice as much as those people who live on Shelter Island. In your newest proposal, the rates off the Island, now, you're upping them by some 50%, and the rates on the Island upping by roughly 10%, so you're creating an even greater disparity between on and off the Island. Maybe you can address -- I guess I already know why you came up with this, but maybe you could speak to that issue, because it just seems unfair to me to put all the burden off the Island. I'd rather see those things stay in relatively the same proportion.

**MR. CLARK:**

Right. I understand, and I would be happy to address that. First of all, the rate increase cannot be nailed down to 1%, one percentage. What we're doing is a radical departure from what has been done prior to this. And forgive me for not addressing -- facing folks over here, I'm really addressing questions, but my eye contact isn't going to the rest of the room. We are eliminating our present policy of charging for passengers, individual passengers in the vehicles. So the purpose for that is -- there are several reasons. One is we build our boats and construct our vessels to carry vehicles, and the passengers in the cars do not concern us. We -- our capital investment is in vehicles. The 50% rate that you're talking about in the round trip cash fare is only true if somebody goes there and doesn't have anybody in the car, because we're not charging for people in the vehicle. That used to be \$8 for -- today, now it's \$8 for a round trip, plus \$2 per person in the car for the passengers in round trips. So, if you have a person in the car, a man and his wife, let's say, going across to Shelter Island, they would now pay \$10. Our proposal is that that same couple pay 12. If a person has a husband, and wife, and a child in the car, their price now would be \$12, and it will in the future still be \$12. If they have their second child or their mother-in-law in the trunk, then they will have a \$14 charge now and it will still be a \$12 charge in our future rates. So the ones that are paying the higher premium are the ones that go without anybody in the car.

I agree wholeheartedly with the concern for the young people. My whole life has been dedicated to doing things with young people, from coaching to mentoring in many ways. I really think that individuals with families and children who are trying to make it on the East End should really get the break, and this rate structure is designed with them in mind.

The discounts are proportionate, where the couple, again, with the children going out to the movies, right now, they're going to be paying \$14. Under the new rates, they'll be paying 12. We're passing it on to the cash one-way fare and the cash round trip fare, because that's mainly



our tourist fare. Those are people from out of the area, or people that use the ferry boat maybe once ever or maybe once or twice a year. Anybody, resident or nonresident who uses the ferries on any degree of regularity, if it's twice, three times a year even, if they want to go to Shelter Island, they have the ten trip ticket book they can purchase, and they can drop that price from \$12 for a round trip to 7.70 for a round trip. All their passengers are included. So now, your constituents, and we have a lot of them come over, like to go to Foxwood, and things like that, that now load their car up with four or five people and they're paying 14 bucks a round trip, they'll now be able to go over for 7.70 for the same carload. Those are the people, the ones that live in the County and the ones that have families or go out and do things off the Island are the ones that we're targeting this to, and we're trying the best we can to pass it on to those people who come out from the City, come out from Connecticut, come from wherever, and they come out once to visit the Island, they pay their one way going to the Island on a Friday night, a one way leaving, or they come out to visit family, and they're going to pay -- they're going to pay the premium.

So I am pushing most of the burden to the non-East End, non-Suffolk County person, and giving everybody that uses it in any degree of frequency a chance for a very, very steep discount. They'll save a lot of money.

**LEG. SCHNEIDERMAN:**

That ten ticket book --

**MR. CLARK:**

Yes.

**LEG. SCHNEIDERMAN:**

-- you have to purchase that on Shelter Island, you can't purchase that on the boat?

**MR. CLARK:**

No, you can buy that on the ferry boat. The only one that's Restricted --

**LEG. SCHNEIDERMAN:**

Oh, you can, okay. And that's all year, it lasts all year?

**MR. CLARK:**

Year round, any time, on the deck of the boat. When you show there, you give them a check.

**LEG. SCHNEIDERMAN:**

Does it have an expiration date?

**MR. CLARK:**

No expiration date, no.

**LEG. SCHNEIDERMAN:**

So I could -- if I bought, let's say, a book of ten passes --

**MR. CLARK:**

Yes.

**LEG. SCHNEIDERMAN:**

-- it would carry into the next year as well?

**MR. CLARK:**

I'm getting tickets back from the 1950's. They're a little card at a buck-twenty-five a round trip. Somebody's grandfather died, they came, cleaned out the drawer and they found these -- we still honor them. So, if you buy a trip-tic book with ten trips in it, you could spread it out over 3 years, 5 years, 10 years, and you can come back 15 years later and we'll still take it. And that's available to anybody. And that's the most important point of why we're pushing this one way and round trip single cash fare, where it is, is we're protecting those people that are out here and in Suffolk and on Shelter Island, and they have an opportunity to get a much, much cheaper price than they're paying now, if this body will approve -- it's radical, I admit it, and that's why we started real early in the process to give you folks a chance to process it and the community a chance, so that we would be able to, you know, make sense of this thing.

**LEG. SCHNEIDERMAN:**

Do you know offhand, since you're looking toward eliminating the passenger fee, what your average carload is? Do you have a calculation of that?

**MR. CLARK:**

Yes. Now, average depends on the time of day and the time of year. We look -- around the commuter time and around the winter time, it's about 1.5, 1.4 people per vehicle, but in the summertime, the cash fares go up to, you know, almost like two, two-and-a-half people a vehicle -- per vehicle, but --

**LEG. SCHNEIDERMAN:**

So this fare is based on the average of all of that?

**MR. CLARK:**

This was based on an average, which is about 1.7, and that, plus a profit. We get a pay raise -- I mean, a rate raise in this as well, but it's all factored into our percentages, and Mr. Duffy and Mr. Spero have those and they're working with them now.

**LEG. O'LEARY:**

Mr. Chairman, if I may.

**P.O. CARACAPPA:**

Legislator Alden, then O'Leary.

**LEG. ALDEN:**

Just to follow-up on --

**MR. CLARK:**

Yes, sir.

**LEG. ALDEN:**

-- a couple of points that Legislator Schneiderman was making. There really is no way to distinguish between somebody in Suffolk County and somebody on Shelter Island, because if you come from like my district, you're going to pay like the higher price, really.

**MR. CLARK:**

They'll have a chance at a \$7.70 round trip with a ticket book from -- the way we do that, Mr. Alden, is -- and I'm glad you mentioned that, because I was going to bring it up when it was talked about, purchase of the tickets. The only ticket it is necessary to purchase through the office, South Ferry Office, are the resident discount ticket books, which this body back in the late

'80's, early '90's approved, and that ticket requires that they show ownership or property owner on Shelter Island or year-round residency on Shelter Island, and that's purchased in the office, but the rest of the tickets are on the decks of the boat sold by the crew at any time of the day or night.

**LEG. ALDEN:**

I wasn't here back in, you know, the time period that you --

**MR. CLARK:**

No, sir, I understand, but that's the history on it.

**LEG. ALDEN:**

Right. I would understand a discount for somebody that is on the Island, because in some ways they're at a disadvantage --

**MR. CLARK:**

Yeah, they have to use it.

**LEG. ALDEN:**

-- surrounded by water. But, you know, now, as we expand that, you know, you're raising the price for basically outsiders, and that that includes everybody in Suffolk County and probably everybody in my Legislative district, when, at the same time, on a small proportion, you're raising the resident's type of fee.

**MR. CLARK:**

Right, yes.

**LEG. ALDEN:**

So, you know, I do share the concern that Mr. Schneiderman brought up before. The other thing is, do you have a seasonal type of fare schedule?

**MR. CLARK:**

No, sir, we're the same price 12 months out of the year for whatever fare category the people choose to buy.

**LEG. ALDEN:**

Do you get more business during a certain time of the year?

**MR. CLARK:**

Oh, sure, yes. We get seasonal. Just like any of the East End businesses, it builds up in the summer. We're operating at a loss. See, we're -- North Ferry and South Ferry I think are the only two Long Island solely -- Long Island, Suffolk County ferries that operate 12 months out of the year are the ones to Shelter Island and back. The rest of them, I believe, are 10 months, because of the closing down of the Peconic Bay. But we're open 12 months out of the year and we operate at a loss from like November until April, and then we start making money again from April through October.

**LEG. ALDEN:**

Have you ever looked at a seasonal fare adjustment?

**MR. CLARK:**

It's been suggested. We've looked at it. We've not done it, but it's -- we offer -- we feel like we provide that in these discounted ticket books, because a lot -- I mean, we sell a lot of ticket books for people that don't live on Shelter Island on these nonresident, but these deeply 25% discounted ticket books. We sell a lot of them every year. And so there are a lot of Suffolk County people that are using it, but people that -- again, if a person uses it even from somebody's district here, if they use it once in a lifetime or once a year, there's not a financial burden exacted on that person. But the people that -- any part of -- any part of the world that use it on a regular basis, we offer every opportunity, and very easy to get on the boats, discounted tickets that will save them a lot of money, where there's no reason why they wouldn't buy it. Any frequent user from your district or any district would be wise to buy those tickets.

**LEG. ALDEN:**

We might want to have Budget Review just explore the -- you know, that seasonal and off-seasonal, because their infrastructure is based on a 12-month operating schedule, and then, really, the only thing that they're going to use the bulk of the equipment for is, you know, whether it be a short season -- I don't know what your season is, three, four months, something along those lines?

**MR. CLARK:**

It's similar to most -- Memorial Day, Labor Day, with some on either end of it?

**LEG. ALDEN:**

So maybe seasonally adjust the ticket, but all right, thanks.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes, just quickly. Is it your opinion and position that short of the State subsidizing the cost incurred, that you're going to stand by the rate increase that you submitted?

**MR. CLARK:**

Oh, yes, sir.

**LEG. O'LEARY:**

Okay.

**MR. CLARK:**

Yeah. It was well a thought out procedure.

**LEG. O'LEARY:**

All right. In light of the fact there's been an amended application filed and now BRO has to look through that, I would motion -- I'd make a motion to recess.

**P.O. CARACAPPA:**

Well, there's still further speakers, so we'll hold off on the motion. Any further questions for Mr. Clark? Thank you.

**MR. CLARK:**

Thank you.

**P.O. CARACAPPA:**

Next speaker is Bill Clark.

**MR. BILL CLARK:**

Mr. Chairman, men and women of the Legislature, I just have a couple of quick remarks. Cliff has covered everything I wanted to cover. We're very fortunate on Suffolk County to have a County dredge that maintains the waterways of Suffolk County. We have not in the past been able to get the services of the Suffolk County dredge. We spoke about the possibility of New York State getting behind some dredging that would assist the ferry company and help keep the rates down. And I'd just like to point out that Suffolk County has a dredge. It's very suitable for the type of dredging that we have to get done, and we would just request your support as we seek to get the County dredge involved in South Ferry's required dredging.

Regarding seasonally adjusted tickets, it is true that when we buy equipment, that that capacity, as far as carries cars and trucks, is primarily focused on the summer season, but there's no better year than this year to look at what those boats are doing off-season, which is getting through the ice much more expeditiously than the old boats did, and that's maintaining the ability of Island people to get jobs off the Island, it's maintaining the convenience of goods and services that need to come to Shelter Island for our residents to get there expeditiously. So, when you say it's seasonal, the equipment that we're required to buy actually covers both the season and the off-season and we could not do it without that, without the new boats.

One final comment. As we eliminate the charge for the extra passengers in the vehicles, we are encouraging people to carpool. Instead of driving two separate cars to the movies, you know, carpool with your friends. We're encouraging that and we think that's a good thing. Thank you very much.

**P.O. CARACAPPA:**

Any questions?

**LEG. CARACCILO:**

Mr. Chairman, could we just have Mr. Duffy respond to the County dredge issue?

**P.O. CARACAPPA:**

That's really not before us with relation to this public hearing. We could take it up in Public

Works.

**LEG. CARACCILO:**

Maybe you could address it in the report, Kevin. Thank you.

**P.O. CARACAPPA:**

Thank you. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Very briefly, on that last comment about encouraging people to carpool, which, you know, obviously, makes sense, but there already is an encouragement to carpool. If you bring two cars in on the current rate structure, it's roughly, you know, \$16 for a round trip, whereas one car, you only get charged a dollar for that extra person. So it already is -- there is a financial incentive to carpool, though it might be slightly expanded.

**P.O. CARACAPPA:**

Thank you. There is a motion to recess by Legislator O'Leary, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**LEG. CARACCILO:**

Mr. Chairman, with respect to the issue, let me just add, as I've informed the ferry ownership, that this matter will not come up for a vote, as far as I'm concerned, until the March meeting, late March meeting --

**P.O. CARACAPPA:**

Okay.

**LEG. CARACCILO:**

-- for a vote. That would be the earliest I would consider it.

**P.O. CARACAPPA:**

Before -- that's fine. Before I call a vote, is there anyone who wishes to be heard on this any further? Okay. There's a motion to recess and second. All in favor? Opposed? Public hearing 1023 is recessed.



Moving on to **Public Hearing regarding Intro Resolution 1024 - Approving water taxi license for *At the Port, Inc.*** I have no cards. Is there anybody wishing to be heard?

**MR. BARTON:**

Mr. Chairman.

**LEG. O'LEARY:**

Motion to recess, Mr. Chair.

**P.O. CARACAPPA:**

There's a motion to recess. Someone does want to speak, but,  
Mr. Clerk.

**MR. BARTON:**

I was just going to make a comment that this is an application for a new license, and as such, the rate structure that will be established by Resolution 1025 is an integral part of that application, and the Budget Review Office has not issued its report yet.

**P.O. CARACAPPA:**

Thank you.

**LEG. O'LEARY:**

Through the Chair.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Mr. Chair, as the new Chair of Public Works, I'd like to have the opportunity to sit down with the principals of At The Port. And in light of that fact, I'd like to make a motion to recess.

**P.O. CARACAPPA:**

I believe there's one speaker.

**MR. BECK:**

I did put a card in, Mr. Chairman.

**P.O. CARACAPPA:**

What's the name?

**MR. BECK:**

Walter Beck.

**P.O. CARACAPPA:**

Oh, there is one card. Come on up, Mr. Beck.

**MR. BECK:**

I don't know if Mr. Blakeslee wants to speak, it's his application. Makes more sense if I spoke afterwards. Is that all right?

**MR. BARTON:**

This is the applicant.

**P.O. CARACAPPA:**

Mr. Blakeslee, just state your name for the record.

**MR. BLAKESLEE:**

Mr. Presiding Officer and Members of the Legislature, good afternoon. My name is Richard Blakeslee and I am one of the principals of At The Port, Inc. Water Taxi Service.

Just to give you some background on what we're trying to do, what our hope and desires are, aside from starting a profitable business, is to provide a multi-modal transportation system for the Patchogue River.

If any of you are familiar with the Patchogue River, there is limited public access in terms of parking on the river -- along the river for its businesses. At this present time, there is a major push to expand the river to become a destination point for Patchogue as an economic engine to be able to provide some economic stimulus for the area, as well as in the downtown.

It's my belief and my feeling as an owner of a business on the river, as well as the water taxi service, that there is a tremendous need for the public access element. And the only public parking areas that we have are at the Sandspit dock at the end of the river, at the head of the north end of the river, and the business district of the river, which is at the National Seashore.

Our water taxi service that we're -- what we're proposing would stop at some ten stops along the river, being marinas, the various restaurants and watering holes and establishments along the river, so that someone desiring, who may be on their boat at a marina on the other side of the river, and if they wanted to come to any one of the restaurants along the river would not have to get in their car and drive around and try to hunt for a parking spot in the residential community, residential neighborhoods. They could simply pick up the phone, call the water taxi service on demand, we'll come pick them up and bring them to the restaurant or the bar, whatever they'd like to go, or to go visit friends along the river in other marinas.

It's a service that, if you're familiar with other areas of -- such as Baltimore Harbor, in intercoastal waterways in Florida, many other waterfront communities have had -- have got water taxi services and they're very, very effective in moving people, and it's our belief that it will reduce a great deal of the traffic through the residential neighborhoods.

We have requested the service as well to go across, cross bay. We have ten stops along the river, and cross bay service to Davis Park. We have received permission from Town of Brookhaven to be able to stop at Davis Park to allow passengers to disembark. And the reason we had done that is we are getting -- we've gotten a number of requests, because it's kind of a unique kind of a service, of people requesting anniversaries, proposals, birthday parties, to be able to do something on the water taxi that's kind of unique, where they would like to go out, and we've had several requests, they'd like to go out, watch the sunset, and, again, they want to go to Davis Park where there's a restaurant, be dropped off and go to dinner for their anniversary, or whatever, for that special occasion, special event. So we have requested a cross bay stop as well.

Beyond that, we are looking at being able to make the service as affordable as we possibly can, with the idea that we do -- we are running a profitable business, or we would like to run a profitable business. And we have a three-year business plan in which we feel that we can determine where we will stand, and we feel that we can establish that business with the three-year business plan. Thank you very much. Are there any questions?

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Thank you, Rich, for coming down here today. And the record should reflect that of any of the enterprises along Patchogue River, Dick Blakeslee, and along with Brian Weeks and some others, have been at the forefront of revitalization efforts along Patchogue River, as well as trying to, let's say, diversify the maritime interests along that riverway, and they are making some headway. And, Richard, it should be reflected that you've had a great hand in this and it goes back many, many years.

**MR. BLAKESLEE:**

Thank you.

**LEG. FOLEY:**

What I would like to just have some clarification on, because, obviously, new applications create, let's say, certain concerns and sensitivities for long established businesses in the ferry trade. You mentioned earlier of a cross -- of a component of your license is for cross bay.

**MR. BLAKESLEE:**

Yeah.

**LEG. FOLEY:**

It's my understanding that it's not a scheduled license; is that not correct?

**MR. BLAKESLEE:**

That's correct, it's not a scheduled service, it's on demand.

**LEG. FOLEY:**

A schedules service, rather.

**MR. BLAKESLEE:**

Yeah. It's on demand.

**LEG. FOLEY:**

It's on demand. And perhaps you may want to just explain to the few colleagues that are still around the horseshoe. By saying "on demand", number one, what are your intentions? And is it more incidental than it is central to your three-year business plan?

**MR. BLAKESLEE:**

Yeah, yes. Legislator Foley, you put it right on the head, it's more of an incidental. It's not our primary goal. Our primary mission is to be able to provide that transportation system on the river, and from Corey Creek to the River, and throughout the various businesses on the river. But because of the requests that we did, the nature of the requests that we've gotten, we felt that this would be an added component, which actually would be a nice kind of a thing, we thought it was pretty unique, and it would be -- also be an opportunity for us to be able to get -- grab a little bit more of a revenue stream in a sense that it would give us an opportunity -- I don't want to handicap my business going in, so if I have something that's there, there's a need, and I want to be able to provide the service to fill that need.

I think that what we've done is we've -- in the cross bay service, we've set our -- we've asked for a rate that is, you know, much higher than what it would be normally for a ride across the river, and a minimum of ten passengers with the -- with the rate, so it would be -- it's not something that's less expensive than taking the general ferry service, for instance, it would be more of a specialty type of event. And it takes the boat, you know, out of service and across the bay.

The other thing is that we feel that we would be doing is as -- we would be operating as a feeder service for the established ferry companies now, because we would be able to pick people up at the end of the river and run them down to the Davis Park Ferry and get them down there without having to send the cabs through the neighborhoods, or people speeding down to drop them off. We could get at the head of the river. We could be able to move those people around. So we could actually end up being a byproduct as a feeder service for the ferry service, established ferry service there now.

**LEG. FOLEY:**

Let me ask you this, then. For instance, if -- on these occasions, these special occasions or special events, you have people that, as happens on the bay, they see a sunset and they decide

they don't want to go back to the mainland, but rather go over to Fire Island, would then the boat stay there or would they bring them back to the mainland, or would that be the regular ferry service that would take them back?

**MR. BLAKESLEE:**

They would most probably use the regular ferry service at that time to come back. They could call us and ask us to come back, but, again, our fare structure is set up so as that we don't want to be in direct competition with the existing ferry service, we're not a -- the rate on your scheduled ferry service.

**LEG. FOLEY:**

And that gets to my final question, Mr. Chairman. You don't envision this business plan to be -- to turn your very successful restaurant into a ferry terminal.

**MR. BLAKESLEE:**

Absolutely not. We're already aware of the parking issues that we've had, and so on and so forth.

**LEG. FOLEY:**

Okay.

**MR. BLAKESLEE:**

And this is one of the things that -- where this has precipitated. I mean, we're all -- all of us on the river who are doing business and, fortunately, we're doing okay, have to be able to move our customers and give our guests more options and opportunities to be able to go places. And I think that this, I don't -- I mean, know when I'm in Fort Lauderdale, I just came back, and I left my car at the hotel and I used the water taxi service up and down to go to the restaurants and back to my hotel. It was very convenient. And, you know, it's nice riding on the water instead of driving. So, you know, it does help with the transportation system.

**LEG. FOLEY:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Any other questions?

**LEG. O'LEARY:**

Yes, Mr. Chairman.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

I think your proposal with respect to the lateral within the Patchogue River is very commendable. However, I do have some questions and issues regarding the cross bay licensing that you're seeking. And you attempted to clarify that it's not going to be a fee for schedule type of thing, it's going to be as is, if you will, for lack of any other descriptive phrase, on demand --

**MR. BLAKESLEE:**

On demand, sir, yeah.

**LEG. O'LEARY:**

Is there any disclaimer in your application with respect to just that issue, that it will be on demand and not set a permanent schedule with respect to the cross bay application?

**MR. BLAKESLEE:**

Yes, there is.

**LEG. O'LEARY:**

There is?

**MR. BLAKESLEE:**

Yes.

**LEG. O'LEARY:**

Again, Mr. Chair, I'd like to make a motion to recess. I would like to have the opportunity to meet with the principals with respect to advancing this issue at a later date.

**P.O. CARACAPPA:**

Okay. There's a motion to recess by Legislator O'Leary.

**LEG. FOLEY:**

It has to be recessed anyway.

**P.O. CARACAPPA:**

Yeah. Second by Legislator Foley. We still have speakers -- a question by Legislator Caracciolo and then other speakers.

**LEG. FOLEY:**

Yeah, I think there are other speakers. But, certainly, when we vote on a recess it, we have to recess it, since Mr. Duffy hasn't completed the report yet, so -- but we can't recess it until we hear from --

**LEG. CARACCIOLO:**

Mr. Blakeslee. Hi, Richard.

**MR. BLAKESLEE:**

How are you, sir?

**LEG. CARACCIOLO:**

Good. With respect to your ferry license application I imagine subsequent to this, if this were to be approved, you would be proposing some type of on-demand rate structure?

**MR. BLAKESLEE:**

I would -- we're pretty comfortable with the rate structure that we have right now, and we feel we can operate, if I'm understanding the question correctly, that we can operate on this rate structure profitably, and over a three-year -- on our plan, our business plan for three years. We feel that we can get through the first year. The first year, we feel will probably be a break-even year, and after that, we'll start to show some profits. But, you know, based on -- right now, we're looking at -- we're pretty comfortable with what we have.

**LEG. CARACCIOLO:**



Okay. As I understand the proposal, then, you would have ten locations that would be along the river, as you said, and they would be primarily private business locations that you would be ferrying passengers, passengers only --

**MR. BLAKESLEE:**

Yes.

**LEG. CARACCILO:**

-- to business establishments, be it a restaurant, a tavern, a bar.

**MR. BLAKESLEE:**

The marinas and so on and so forth. There are a couple of thousand boats on the river, and if we can keep the people from having to get in their cars and drive to the restaurant without -- or just get to the restaurant by taking the water taxi service, I think we've accomplished one of our goals.

**LEG. CARACCILO:**

In terms of the -- your pursuit of this initiative, where did it begin, and what leads you, obviously, as a businessman to the conclusion that it would be profitable?

**MR. BLAKESLEE:**

Well, I've always thought it was a great idea. You know, I grew up on the river. I have what I would consider a successful business on the river, I had a marina and a restaurant. And everyone told me I was crazy when I opened the restaurant and nobody's ever going to come up down there, and this, that and the other thing. Well --

**LEG. CARACCILO:**

It's an excellent restaurant.

**MR. BLAKESLEE:**

Thank you very much. Thank you. We try hard, we work hard at it. And we have a passion for it, we have a passion for the river. And, you know, by being there every single day and talking with my customers and other people, you know what's going on. And people are saying the same thing, "We need to be able to get over there, how do we get over there?" You got to -- you know, I have to get in my car and drive all the way around and find a parking spot. That's

the way it is, you know.

But every place I've gone, and I love going to these waterfront communities, you know, such as Baltimore and Fort Lauderdale, and New York in the harbor, no matter where you go, whether it's Providence, Rhode Island or any of the other waterfront communities, every one of them is operating some sort of multi-modal transportation system, i.e. a water taxi.

And I've attempted over the years to try to get someone else interested. I didn't need another job, another interest, but I've attempted to get someone else, and other people didn't see the same vision that I had, I mean, and see the need for it or see the -- or get as excited as I am over it. I mean, you know, I just think it's a great idea. I think it works, and I've watched -- and I'm going to tell you, I've run that boat a couple of times for no fare, so -- and taken people up and down the river who have been at my restaurant and want to go for a ride, and I give them a little history tour. And you've got to hear what -- I mean, people are not really aware of all that we have to offer, and a lot of people come out to this -- to Long Island, as you're well aware of, you know, for tourism and they look for this kind of thing, so I think it's a great -- it's fulfilling a need for the business community on the river, it's fulfilling a need in terms of -- in terms of lessening the traffic and noise in the surrounding residential area, and it's fulfilling a need in terms of our tourism.

**LEG. CARACCILOLO:**

Is it a single or multi-vessel operation?

**MR. BLAKESLEE:**

As of right now, we're a single, single vessel.

**LEG. CARACCCILOLO:**

Okay. Thank you.

**MR. BLAKESLEE:**

Thank you.

**P.O. CARACAPPA:**

Any other questions? Next speaker is Walter Beck.

**MR. BECK:**

Thank you, members of the Legislature. My name is Walter Beck. I'm the attorney for the Davis Park Ferry Company.

We oppose that part of the application of Mr. Blakelee's company that involves cross bay service, water taxi service. The Davis Park Ferry Company is in that business of water taxi service in addition to the regular scheduled ferry service to Davis Park. Moreover, when.

Mr. Blakeslee said that the consent of the Town had been obtained, I'm not aware of that, and have asked about it to various representatives of the town government who, according to what they told me, is unaware that any such permission had been given to him. And that didn't surprise me that it would not be, because in our agreement with the Town of Brookhaven, when I say "our", I mean the Davis Park Ferry Company, part of that agreement extends to us exclusive right to land ferries and water taxies in the Davis Park docking community. It's no small price that we pay for that, because the payments in the lease are substantial. And there are also obligations on the part of the Davis Park Ferry Company to maintain the docks and provide quite a services to the Town with respect to maintaining the landing areas at Davis Park. So the lease that we have with them would seem to be in direct conflict with the idea that a consent would have been given to a competitor operating a water taxi service to, in fact, land at Davis Park.

As far the -- his intentions or plans and the application to run an on-the-river service, we wish him well, because Davis Park Company doesn't offer that service, and I hope he succeeds there, because I think Patchogue River, with which I'm very familiar, could use that type of service of going to the various locations on the river without having to use motor vehicles. But insofar as the Davis Park water taxi service we do oppose it. That same on-demand, as it was called, type of service is just what we offer in the water taxi part of our business.

So I would urge the Legislature to direct special attention to the question of this consent to be sure that, in fact, consent has been given. If it has been given, of course, I'm going to direct my attention to it as to why it would be given in light of the exclusivity provision of our lease. Thank you.

**P.O. CARACAPPA:**

Thank you.

**LEG. VILORIA-FISHER:**

Mr. Chair.

**P.O. CARACAPPA:**

There's some questions. You represent -- are you the attorney for Davis Park?

**MR. BECK:**

I am.

**P.O. CARACAPPA:**

And you're saying you oppose Mr. Blakeslee's application based on -- solely based on the landing rights issue, or just because the company you represent does it already?

**MR. BECK:**

No, because --

**P.O. CARACAPPA:**

Did I hear you correctly?

**MR. BECK:**

You heard me correctly. The exclusivity is the basis of our objection. We've been granted the exclusive right to land ferries and water taxis at Davis Park by the Trustees, actually, of the Town of Brookhaven.

**P.O. CARACAPPA:**

But you didn't -- you may have stated it wrong, but let me just clear it up. You didn't state your opposition based on the fact that the company you represent already does this?

**MR. BECK:**

Both, sir. I don't think I'm picking up the distinction that you're making.

**P.O. CARACAPPA:**

That you're saying that because your company does it, no one else should.

**MR. BECK:**

No, no, no. No, sir.

**P.O. CARACAPPA:**

Well, that's how you sound right now, and I want to make it clear that that's not what you're saying, because, if you're trying to stifle competition here --

**MR. BECK:**

No.

**P.O. CARACAPPA:**

-- in Suffolk County, we won't stand for that.

**MR. BECK:**

I did not mean it that way. What I meant to say is that we had that exclusive right, and that Mr. Blakeslee's suggestion that then -- that he would travel in a water -- provide water taxi service to that location flies in the face of our arrangement, our agreement with the Town.

**P.O. CARACAPPA:**

Well, I'll ask the question then, if the Town and Mr. Blakeslee and your company somehow come to an agreement, or that it is granted landing rights for Mr. Blakeslee's Company, do you still oppose this plan, or the application?

**MR. BECK:**

I do on the basis that the exclusivity was negotiated for and was part of the consideration that the ferry company paid and pays to the Town.

**P.O. CARACAPPA:**

If it were to be reconciled, would you still oppose it?

**MR. BECK:**

If it could be -- anything that's reconciled is fine.

**P.O. CARACAPPA:**

All right. Just making it clear for the record. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. I had the same questions that you addressed. In fact, I would like to go a little further and ask Legal Counsel, perhaps, to clarify for that -- for us by the -- well, this will be recessed today, so I'm hoping that for the next hearing, we'll have a legal report as to whether or not this exclusive right limitation exists and how we could act on this with that being in place.

**P.O. CARACAPPA:**

Okay. We're all set? Any other questions? Thank you, Mr. Hirsch.

**MR. BECK:**

Thank you for hearing us.

**P.O. CARACAPPA:**

Oh, that's Mr. Beck. Mr. Hirsch would be --

**MR. BECK:**

Thank you.

**P.O. CARACAPPA:**

Well, any of the -- anyone else wishing to speak on this? There's a motion to recess, second -- and a second. All in favor? Opposed? 1024 is recessed.

**Moving on to 1025 (Authorization of rates for At the Port, Inc., for cross bay and lateral license, Patchogue River and Bay license).**

**LEG. O'LEARY:**

Motion to recess.

**P.O. CARACAPPA:**

Public hearing, authorization of rates of In The Port -- At The Port.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

I have no cards. Anyone wishing to be heard? There's a motion to recess by Legislator O'Leary, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? 1025 is recessed.

Moving on to **Public Hearing regarding Introductory Resolution 1070 - A Charter Law creating Taxpayer Office of Inspector General**. I have no cards. Anyone wishing to be heard? I make a motion to recess. Is there a second?

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. Motion to recess by Legislator Caracciolo, second by myself. All in favor? Opposed? It's recessed. Public hearing -- moving on to **Public Hearing 1085, regarding Local Law to repeal annual audit of County Forfeiture Funds**. Anyone wishing to be heard on this matter?

**LEG. O'LEARY:**

Motion to close.

**P.O. CARACAPPA:**

There's a motion to close by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

Mr. Chairman.

**P.O. CARACAPPA:**

Mr. Clerk.

**MR. BARTON:**

There is one other application for a ferry license that's pending, it's the Fire Island Water Taxi. The Legislature approved the resolution adopting the -- setting the public hearing at today's meeting. The applicant had hoped that the Legislature might have an opportunity to consider that resolution at its organizational meeting, which we didn't do. However, he did advertise the

hearing, and there is a gentleman here who would like to address the Legislature.

**P.O. CARACAPPA:**

I have the card, and though we -- it is -- we're going to set the date for that official public hearing for the 24th of February, I'll entertain the speaker that has come here today. This is on Resolution 1007, approving ferry license for Fire Island Water Taxi. The speaker is Mr. Scott Hirsch.

**MR. HIRSCH:**

Thank you. Thank you, Mr. Chairman, Members of the Legislature. I rise in simple support of the Fire Island Ferry Company's application concerning its purchase of South Bay Water Taxi, and I appreciate you hearing me in light of the fact that the public hearing may not take place for another month. I wasn't aware of that.

I'm a resident of Suffolk County, a longtime resident of Fire Island. I am Co-President of the Ocean Beach Chamber of Commerce, I am a past Trustee in the Incorporated Village of Ocean Beach, I'm a partner in a Long Island law firm, and I am also the proud owner and operator of what is generally considered one of the best restaurants in Fire Island.

I would say to you that as a result of 20 years experience with the Fire Island Ferry Company in so many ways, that is not only as a Trustee in the Village, as a member of the Chamber of Commerce, as a vendor of theirs in Fire Island, that I can state with 100% certainty that if you were to grant this application, you would see many great things happen for Fire Island, for your constituents, for the South Shore, for its residents, and generally anyone visiting Fire Island. I would state to you that in passing this application, we would see an improvement in the ease of accessibility in and around the Island. It would result in an upgrade of conditions, including consumer safety, which is very important to us. In terms of equipment issues, the ability to enhance the equipment, the existing equipment and new equipment, the reliability of the service, which I can only tell you I've seen time and time again. And I'm not here to denigrate anyone, but I can tell you, based upon my personal experience with the ferry company, that the reliability of the service, which is so critical to those who use it, would go nowhere but through the roof.

The better customer service, the enhanced visitor experience, more knowledgeable captains and crew, it would all enhance the wonderful resource that is Fire Island, which employs thousands



of people, as you know. And I would suggest to you that we'd be hard-pressed to find a better operator for such a business with more experience and knowledge of moving persons in and around the water, as they already have. And so I would just ask you to strongly consider approving this application, as someone who speaks with many different experiences with that ferry company over the past 20 years. Thank you.

**P.O. CARACAPPA:**

Any other questions? Thank you.

**LEG. SCHNEIDERMAN:**

Are we recessing?

**P.O. CARACAPPA:**

Excuse me? This wasn't a public hearing. That's set -- in fact, we're going to set it right now. So there's a motion by myself, second by Legislator Carpenter, setting the date of February 24th, 2004, at 2:30 P.M., in the William Rogers Building in Hauppauge, for the following public hearings: Public hearing regarding Intro Resolutions 1007, 1009, and 1084. There's a motion and a second. All in favor? Opposed? Abstentions? Also setting the date of February 11th, 2004, at 9:30 a.m., at the William Rogers Building in Hauppauge for the following public hearing:

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Just a second, Brian, Legislator Foley. I have it February 11th. Setting February 11th, 9:30 public hearing, regarding Intro Resolution 1033. There's a motion by myself, second by Legislator Carpenter.

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Just on the motion.

**P.O. CARACAPPA:**

Yep.

**LEG. FOLEY:**

These are public hearings that you're having placed before the committees?

**P.O. CARACAPPA:**

Correct.

**LEG. FOLEY:**

All right. Did you just -- if the record just could -- if you could read back the record, did you already set the date of February 10th at 9:30 --

**P.O. CARACAPPA:**

No.

**LEG. FOLEY:**

-- for a public hearing?

**P.O. CARACAPPA:**

No, we -- I have -- I have on my agenda --

**LEG. FOLEY:**

Or is that March 10th?

**P.O. CARACAPPA:**

I have on my agenda February 11th, February 10th and March 16th.

**LEG. FOLEY:**

Oh, okay, okay. So the motion you've just made is the first motion made to have a public hearing in the committee; correct?

**MR. BARTON:**

Correct.

**LEG. FOLEY:**

Okay. And what's the title of that resolution, please, Mr. Chairman?

**P.O. CARACAPPA:**

For the 11th?

**LEG. FOLEY:**

Yes.

**P.O. CARACAPPA:**

That's 1033, a Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions.

**LEG. FOLEY:**

And the sponsor of the bill wants to have the hearing in committee?

**P.O. CARACAPPA:**

Legislator Cooper?

**LEG. FOLEY:**

Because that's new rules changes as of last Friday, motion has to be made by the sponsor.

**LEG. COOPER:**

Yes, that was my request.

**P.O. CARACAPPA:**

It's not so much --

**MR. BARTON:**

We received that request after we had printed the page. That's --

**P.O. CARACAPPA:**

It's not so much a rule change, Brian, we made a rule change where I shall --

**LEG. FOLEY:**

We have -- you have your memo from last Friday.

**P.O. CARACAPPA:**

Yeah. What I did is send a memo to every Legislator --

**LEG. FOLEY:**

Right.

**P.O. CARACAPPA:**

-- pretty much making it the choice of the sponsor where they felt the most appropriate place for a public hearing for their legislation to be, whether it be in the committee --

**LEG. FOLEY:**

Okay.

**P.O. CARACAPPA:**

-- during the committee cycle, or in front of the full Legislature. I thought that was a fair and balanced approach to dealing with pieces of legislation and public hearings. So --

**LEG. FOLEY:**

It still has to be approved --

**P.O. CARACAPPA:**

-- having said that, sponsors have sent messages back to my office that certain pieces that they've sponsored would like to -- they'd like to hold those public hearings during the committee cycle.

**LEG. FOLEY:**

It still has to be approved by the --

**P.O. CARACAPPA:**

Sure does.

**LEG. FOLEY:**

Okay.

**P.O. CARACAPPA:**

Yeah. So there is a motion and a second for 1033, which is.  
February 11th at 9:30. All in favor? Opposed?

**D.P.O. CARPENTER:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Carpenter.

**D.P.O. CARPENTER:**

I just want to double check, what committee meeting is that?

**P.O. CARACAPPA:**

This would be 9:30.

**LEG. VILORIA-FISHER:**

Is it Ways and Means? Is it Ways and Means?

**D.P.O. CARPENTER:**

No. No, it would be Economic Development, Energy and Education, so --

**P.O. CARACAPPA:**

Which is the wrong time.

**D.P.O. CARPENTER:**

-- it sounds like that would be not the appropriate committee for this resolution.

**MS. BAY:**

No, they changed their times.

**D.P.O. CARPENTER:**

Right.

**P.O. CARACAPPA:**

Economic Development is 9:30.

**MS. BAY:**

Yes.

**D.P.O. CARPENTER:**

Right.

**MS. BAY:**

They switched their times.

**D.P.O. CARPENTER:**

No, it should not be in Economic Development.

**P.O. CARACAPPA:**

What was it assigned to, Counsel or Mr. Clerk?

**MR. BARTON:**

We're checking now.

**LEG. COOPER:**

I think it should be in environment.

**D.P.O. CARPENTER:**

Exactly, which would be probably -- that normally would have been the 12th, but since that's a

holiday, when were those meetings moved to? They were moved to --

**MS. PASTORE:**

It's in Environment.

**LEG. COOPER:**

No. I thought Environment was the 11th.

**P.O. CARACAPPA:**

It is in Environment. What was.

**LEG. VILORIA-FISHER:**

Environment is at 1 o'clock in the afternoon, not at 9:30.

**P.O. CARACAPPA:**

The 11th at one.

**LEG. VILORIA-FISHER:**

At one is ELAP.

**P.O. CARACAPPA:**

So let the record reflect that the motion is February 11th at one.

**LEG. FOLEY:**

On the motion, Mr. Chairman.

**P.O. CARACAPPA:**

And that will take place in the Environment, Planning and Agricultural Committee. On the motion -- are you -- Legislator Carpenter.

**D.P.O. CARPENTER:**

Oh, yeah, I'm fine with that.

**P.O. CARACAPPA:**

Okay.

**D.P.O. CARPENTER:**

I just wanted to make sure that --

**LEG. FOLEY:**

On the motion.

**D.P.O. CARPENTER:**

-- we understood. And probably for the future would be helpful when we're preparing the agenda to state what exact committee it is, so that there is not a mistake.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. Thank you, Mr. Chairman. At our organizational meeting at the beginning of the year, some of us voiced concerns about several changes that were proposed and then enacted, and one of the -- one of the concerns that at least some of us had articulated is the concern of having, let's say, some fundamental and comprehensive resolutions placing their public hearings in committee when it was our belief that, given the importance of some of these resolutions, that the public should be heard by all Legislators, as opposed to just a particular few who are members of that committee, so that the public would know that all 18 of us would be hearing what they'd have to say, as opposed to whatever the limited number are in that particular committee.

Given the fact that this particular resolution proposed by Legislator Cooper, which is a -- goes to a fundamental way of how we go about part of our business, I am going to oppose this particular motion to have the public hearing in committee. I believe that those members of the public who will be attending that particular meeting, they should otherwise have the benefit of hearing -- having all of us hear what they have to say, as opposed to that particular committee, plus there's also the issue of whether or not the minutes of that committee, the written minutes of that committee, the stenographic minutes of that committee would be transcribed by the next general meeting, which I think would be problematic. But even if that hurdle were overcome, I still go back to the original tenet of where for over 30 years our public hearings are held before the full Legislature, so that the public had the confidence that all the members would hear what



they'd have to say, as opposed to a select few who happen to be a member of that particular committee.

So I'm going to have to respectfully and reluctant -- well, I won't say reluctantly, because I feel very strong about this, but I do respectfully disagree --

**LEG. VILORIA-FISHER:**

Mr. Chair.

**LEG. FOLEY:**

-- with having this in committee, having a public hearing in committee.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. Legislator Alden.

**LEG. ALDEN:**

I would just respectfully disagree with Legislator Foley in this regard. In a perfect world, if all the Legislators were sitting here listening, then you would have a better argument than what really occurs here, because we do have people that are present, but not at the horseshoe today. So, if we look at the way -- but, if we look at the way we handle legislation in general, most of our legislation goes to the committee process. If somebody feels that strongly about it, they have the opportunity to speak at the committee. They also have the opportunity to come down and during public portion address whichever ones of us choose to be at the horseshoe at that point in time, too, so -- I don't feel we're limiting the ability for people to address us.

I think that, you know, we're providing a basis for people to still come and talk to us on a number of different levels, whether it be in the committee process, or whether it be at the Legislature, but it's a reflection of reality. Unfortunately, Brian -- oh, I'm sorry, Legislator Foley, unfortunately, we just don't have full participation at the horseshoe. And it would be great if we did, because then we maybe could do away with the committee cycle and have everybody come in and just address us on every issue right here, all of us, if we were all sitting here. But I'll rest my case on that point.

**P.O. CARACAPPA:**

Thank you. Legislator Cooper, and Legislator Viloría-Fisher.

**LEG. COOPER:**

Just for the record, I wanted to say that I actually agreed with -- agree with Legislator Foley's concerns. Originally, I had requested that the public hearing for this resolution take place at the full meeting of the Legislature. However, I changed my mind when I learned that there was a competing resolution introduced by Legislator Binder that was dealing with this same issue, and that his resolution was going to be considered before committee. And I further learned that if that resolution -- if the public hearing took place at that committee and the public hearing was closed, the committee would be able to vote that same day on the resolution and, therefore, if my resolution -- rather, if my public hearing took place at the next full meeting, I'd lose a month, and the competing resolution would come before this body one cycle before mine. So, reluctantly, I made the request to change the public hearing to the committee. But I do believe that it does make more sense to have it before the full Legislative body.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Mr. Chair, I'm going to go back to the time and place of the public hearing, because this particular issue has -- deals with campaign finance. Those issues are generally assigned to Ways and Means. And I think that's why originally I had said February 10th at 9:30, because the Ways and Means Committee will be meeting on February 10th at 9:30. It's not in the Environmental Committee, it's -- it has to do with Ways and Means as its primary Legislative intent, you know, it has to do with campaign finance.

**LEG. ALDEN:**

Careful in loading down the Committee Chairman there.

**P.O. CARACAPPA:**

I will defer to Counsel.

**LEG. VILORIA-FISHER:**

I think that had been the original intent, since it had been placed at 9:30.

**P.O. CARACAPPA:**

I originally thought it was going to Ways and Means as well.

**MS. KNAPP:**

There might be some grounds to believe that, but I suppose I could defer to the sponsor. It appeared that it was one of the bills that was designed to deal with the issues surrounding the acquisition of real property under our environmental programs, and it arose from the controversies that surrounded the acquisition of real property. Those issues were primarily dealt with in the former ELAP Committee, and as such, I thought it was -- it was a continuation to put it into the EPA Committee.

Again, it didn't deal with campaign contributions in any other way in terms of County contracts or anything other than the land acquisition. So that's why -- I mean, it's certainly not an exact science as to which committee it went into. You know, I thought it was justified in EPA.

**LEG. COOPER:**

Mr. Chairman, my --

**LEG. VILORIA-FISHER:**

I'm sorry, Legislator Cooper, I just wanted to finish this thought. Counsel, I understand your rationale and I could see where you went with it, and I so I see why it would have been -- as part of our land reform continuation of what we had begun last year, I could see why it would go to Environment. Thank you for that response.

**P.O. CARACAPPA:**

Legislator Cooper.

**LEG. COOPER:**

It may have been resolved, but my primary goal in introducing the bill was to try to expedite the land acquisition process and to prevent possible reoccurrence of the land acquisition scandal that we faced last year. So, although I do understand the argument for the resolution to appear before the Ways and Means Committee, I do believe it's probably more appropriate for it -- for the public hearing to take place at the Environment Committee.

**P.O. CARACAPPA:**

I'm sorry, Jon. Did you ask a question? I'm sorry.

**LEG. COOPER:**

No, I didn't.

**P.O. CARACAPPA:**

Okay. Thanks.

**LEG. ALDEN:**

He wants it in Environment. He wants it in Environment.

**P.O. CARACAPPA:**

Okay. We're going to send -- we're going to have this public hearing in the EPA Committee, and that the time and -- the time and day is set. There's a motion and a second. All if favor? Opposed? Abstentions?

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Two opposed.

**P.O. CARACAPPA:**

Two oppositions, Legislator Montano and Foley.

**LEG. BISHOP:**

Myself.

**P.O. CARACAPPA:**

And Legislator Bishop.

**LEG. VILORIA-FISHER:**

And I'm opposed.

**P.O. CARACAPPA:**

And Legislator Viloría-Fisher.

**LEG. ALDEN:**

Vote your conscience, Dave, don't horse trade for votes.

**LEG. BISHOP:**

What will you give me?

**LEG. COOPER:**

Nothing.

**P.O. CARACAPPA:**

Counsel, I have a question. It only states that we need two Legislators present for public hearings, but setting public hearings, obviously, we need a majority.

**MR. BARTON:**

Ten.

**P.O. CARACAPPA:**

So there's been -- there are ten, Henry?

**MR. BARTON:**

Ten.

**P.O. CARACAPPA:**

Okay. So the hearing's set. Now setting --

**MR. BARTON:**

Four.

**P.O. CARACAPPA:**

Setting the date of February 10th, 2004, at 9:30 a.m., at the William H. Rogers Legislature Building in Hauppauge for the following public hearing: It's **1086, and that's a local law to create the Real Estate Acquisition Anti-Corruption Reform Act.** There's a motion by Legislator Binder, second by Legislator Alden.

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Yes, Mr. Chairman. This is everyone a more comprehensive piece of legislation, Real Estate Acquisition Anti-Corruption Reform Act, and given the comprehensive nature of this proposed local law, it just stands that it should be a public hearing held before all -- before the whole Legislature as opposed to the committee in question.

Under the rules of the past 30 years, people were not prohibited from attending the committee meeting in which this resolution would be reviewed, as well as attending the regularly scheduled public hearing at the general meeting. So this resolution, I think even more so underscores the flaw of having some rather comprehensive legislation where the official public hearing will be held in a more restrictive and limited number of committee members than before the full Legislature.

And again, as I've said before, and I'll probably have to say it at future meetings, the stenographic minutes will not be available, and even if they were, the fact of the matter is the public would not have the full confidence that all Legislators would otherwise read them, or would be present at a committee meeting as they're supposed to be, notwithstanding Legislator Alden's remarks, which are based in experience of others, but not of himself or myself, the fact that the public would not have the confidence that they otherwise would have if they were at the full meeting. So I have to --

**LEG. VILORIA-FISHER:**

Mr. Chair.

**LEG. FOLEY:**

-- strongly disagree or strongly oppose placing this comprehensive County-wide resolution in a relatively small committee where less than a third, less than third or about a third of the Legislators would only be present.

**P.O. CARACAPPA:**

It's probably more than, well, who would hear it here at a full Legislative meeting, as Legislator Alden said. But, Legislator Alden, you have the floor.

**LEG. ALDEN:**

With all due respect, I would just repeat my comments or reiterate my comments made earlier.

**LEG. FOLEY:**

We may be doing this at every General Meeting, Cameron.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Okay. As stated by Legislator Cooper, Legislator Binder's reform bill seems very similar in nature to Legislator Cooper's Charter Law 1033. My first statement is actually a query to Counsel as to why they're assigned to different committees. But before I get your answer, my statement regarding these two bills is that this is a clear case where we should have the public hearing at a General Meeting, so that we could clarify what the difference is between two pieces of legislation, which are very close in nature.

It's important for the public to see what the differences are between the two laws, why we have two different competing pieces of legislation, and it's important to look at these two one next to the other, side by side, and for -- and to listen to the public hearing supporting one or the other, so that we can judge which is the better. If one of these is going to be decided in EPA, which is what it's called now, and the other one in Ways and Means, we have two similar laws existing in a vacuum, and we don't know what their differences are or what the similarities are. I think Counsel is trying to answer my first question.

**MR. SABATINO:**

Both Legislator Binder's bill and Legislator Cooper's bill I think were originally drafted in 2003 in one form or another. While Legislator Binder's bill in its title does talk about reform or anti-corruption, it is, in fact, a sweeping reorganization of the way we set up all of our real estate transactions. Now, the distinction is, in Legislator Cooper's bill, he focuses on the campaign contributions of people who sell real property to the County. Legislator Binder's bill, when you look at it, rearranges charter sections, code sections, it takes leasing provisions, both in the

airport and the County as the -- as a tenant, as well as the County as a landlord. It takes functions that used to be in DPW, planning functions, and it reorganizes them all into a new department. While the title may have some -- you know, may ring the same bells in people's minds, the substance of the two bills I think are quite different. And, as I say, Legislator Binder's bill is clearly a reorganization of the current government structure.

**LEG. VILORIA-FISHER:**

So we're going to take a bill, which is a reorganization of the entire real estate structure in Suffolk County, and not have a public hearing at a General Meeting. That defies logic. I'm not a member of the ELAP Committee, but I am a member of Ways and Means, but there are only six of us in Ways and Means. We always have to have at least ten people here, and those who may not be sitting at the horseshoe are listening in other rooms, perhaps, but I know I sit here each time, Legislator Alden, I do sit here, because, especially where we have cases where there's a Charter Law that's going to change the way we look at all of our real estate transactions. It's been characterized by Counsel as a sweeping change.

This should really have the light of day and should be here at a General Meeting, not only relegated to a 9:30 a.m. meeting, where we wouldn't have the number of -- often, we have people who are here for one issue, and when there's a compelling topic that comes out regarding something else that they didn't even know they were going to address, they feel compelled to address.

So I really feel, if we're going to have a sweeping change in the way we deal with real estate transactions throughout the County, that really deserves to have the light of day. And I'm sure that Legislator Binder put a great deal of work behind this and research, and he should be able to have the full Legislature here to listen to what the public has to say about the work that he's done.

**P.O. CARACAPPA:**

Thank you, Legislator Viloría-Fisher. Legislator Cooper, then Montano, then Alden.

***[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]***

**LEG. COOPER:**

Once again, I agree with everything that Legislator Viloría-Fisher just said. If the public hearing



takes place at the full Legislative session, at least every Legislator here will have the opportunity to sit in on and participate in the public hearing if he or she so desires, and that's not always the case if the public hearing takes place at a committee meeting.

I know that I for one have conflicts on a number of the dates and times of committee meetings and I would be unable to attend those meetings. Once again, the only reason that I put the request in for the bill to be considered before a committee, a public hearing at a committee, was because of Legislator Binder's bill, that although it takes a different approach to the problem of corruption in the land acquisition process, it's trying to resolve the same issue. And it certainly would make sense if both public hearings did take place the same day before the full body.

And I would make the offer, through the Chair, to Legislator Binder, if he was willing to modify his request and hold the public hearing on his resolution at the full Legislative session, then I would be more than pleased to do the same so that all 18 Legislators would be able to hear full public comment and debate on both approaches at the same time. But if that's not the case, than reluctantly I'm going to have to maintain my request that the public hearing on my resolution take place before committee because, again, if I did not do that then Legislator Binder's resolution would be before the full Legislature one cycle, one full cycle before mine could appear.

**P.O. CARACAPPA:**

Thank you, Legislator Cooper. Legislator Montano.

**LEG. MONTANO:**

I'm looking at the bill that was presented, 1086, it's a 20 page document. I have to agree with the comments made by Legislator Foley. This -- even though I'm new to the Legislature, I'm not unfamiliar with the subject matter that this bill addresses. I left the Attorney General's Office to take a position with the Legislature and I have a law enforcement background, I understand what these issues are. It just doesn't seem logical to me to have this type comprehensive bill sitting in a committee and not allowing the full Legislature to hear comments, to have an open debate, to just have this passed by a committee, sent forward.

The other issue is that we have a competing bill which appears to deal with the same subject matter. And although Counsel has distinguished the two bills, it -- without really knowing, it would be unfortunate to give the appearance that we are somehow committee shopping with

respect to the bills. And to have two bills that deal with the same subject matter go to two different committees and have one of our colleagues in the position that he's forced to put a bill before a committee for fear that a competing bill comes to the Legislature a full cycle seems to me unreasonable and inappropriate.

And I would support Legislator Foley's statements fully in that these two bills, because of the comprehensive nature of the subject matter, should come before the full Legislature. If members of this Legislative body doesn't care to sit here and listen to the comments, that's their option, but we should not be precluded as members of the Legislature from hearing the debate and the comments on this issue.

**P.O. CARACAPPA:**

Thank you, Legislator Montano. Just keep in mind, we still -- we're not abandoning public portion and the public has every right to come to any Legislative meeting on any given subject at any given time, so to make the representation that the public -- Legislators are being shut out from public comment, I'd have to respectfully disagree with that. Legislator Alden then Nowick.

**LEG. ALDEN:**

I just want to correct -- I reiterate the things that I said earlier, but I want to correct just a couple of maybe mistaken, whatever you want to call it, just impressions or whatever we have here. No Legislator is barred from coming to any one of these public hearings, whether they be held in committee or whether they be held before the full Legislative body. So if there's an interest on a Legislator to come there; the same way with the public, the public is not barred from coming to any one of these.

And I just want to point out to my colleagues that for six years that I've been a Legislator here, and I don't know if they're aware of this, but what's more important than the budget? And I have actually presided over a couple of budget hearings where there's only one person there, me.

**P.O. CARACAPPA:**

That's true.

**LEG. ALDEN:**

So, you know, are we doing something different, are we trying to shut people out? No. And it's incumbent upon us, elected officials, that if we feel strongly about looking at a resolution in the public hearing process, get down to that public hearing because after all, that's our job. And committee week, we all know about committee week, we all know when the committees meet, so we should take that upon ourselves, if we have that interest, to go to each one of those committees even though we're not a formal member because I as Chairman of -- and it used to be Consumer Protection -- I more than welcome any input from a fellow: Legislator, even if they're not formally on my committee.

And again, just to reiterate, once we do pass these things out of committee, they come before the full Legislative body, the full Legislative body to be fully debated, any type of information that we want to develop before we vote on these things, we can compare bills, we can have expert testimony, we can invite the public that testified at our public hearings back down to the Legislature to address the full Legislative body in the public portion. So no one is being shut out by this process.

**P.O. CARACAPPA:**

Legislator Nowick then Binder.

**LEG. NOWICK:**

Actually, Legislator Alden just made the point I was going to make. If there is a public hearing at a regular Legislative meeting, those Legislators that are interested will be sitting here at the horseshoe listening; those Legislators that are not interested in the particular subject, they're not going to be sitting here either way.

While I do understand the point that you're trying to make, as Legislator Alden says, committees are set up so any one of us can go at any time, they're staggered so we won't miss a public hearing and certainly we can all attend.

**P.O. CARACAPPA:**

Legislator Binder then Montano.

**LEG. VILORIA-FISHER:**

Please put me on the list, Mr. Chair.

**LEG. BINDER:**

I had a side bar conversation with Legislator Cooper and I see his concern about this kind of race between legislation. I actually don't see these two pieces of legislation as competing, I mean, they kind of address the same kind of idea, but I'm not in a race.

I have, in fact, sent the legislation over to the County Executive to see -- and I've talked to him about it already, we have had a discussion, I've sent it over. If they're still considering it, I'll recess it anyway. So it's not to me a race to get to the floor, I want it to be correct rather than here at any particular time. It's not about timing, it's about it being comprehensive and doing what it purports to do, to root out the corruption and the scandals and the problems inherent in the land acquisition process.

That being said, the question then is where should it be rightfully in hearing? And I've been here 14 years and I've been here for a lot of hearings in 14 years and I've been here for hearings where it's kind of nuts because we have three, four, five, ten, more hearings, everyone's out here, they're trying to wait for their turn, some people leave because there are so many that there might be five people that had something to say and they say, "You know what, I just can't do this any more. My hearing is not until the sixth one and I just can't wait until they get to it at seven o'clock," so they leave. It -- nothing is focused at a full Legislative meeting on that particular subject, members are in and out. As it was said, those members who are particularly interested in that subject they're in, those who aren't are out, there are calls to make, we go to seven, eight o'clock, who knows who's going to be sitting here.

What I do know is that in committee there will be a focus on that particular subject, that committee's jurisdiction is specifically fine tuned to address that specific issue that comes up. So those who come will know that they will have a reasonable time from the time they get there from the time they have the opportunity to testify, it will be somewhat reasonable because they're not going to have five hearings or six hearings or seven that could go on and on if they're controversial. They will be talking to the Legislators who need to deal with this in committee, and as has been said, you heard this statement about Legislatures. Committee is where the Legislature does its job, that's where we do our job, in committee, because in committee you try to parse out the good, the bad, the ugly, you try to figure out what you want to be doing, what you don't want to be doing, asking the right questions. We heard about Mr. Dormer, Commissioner, now Commissioner Dormer coming here and how and the real grilling came there because that's where we do our work, in committees. And that's where the work will

be done on this legislation also and Legislator Cooper's and I think it's actually proper for it to get that kind of attention.

I don't know that being here, because we have everybody else here, because someone's here on ferry rates and they're here on some other things and campaign finance and they're here on smoking and they're here -- and so they should also be here on mine, it doesn't do it -- it doesn't make it any more public. I would rather my legislation get the focus of the committee who's doing the work and those who come to speak get to speak because it's in a reasonable time.

Those two things bring me to the conclusion, when I was asked where do you want this, at the full Legislature or to committee, that I wanted it in committee because I want it to have real scrutiny and I think that's where it will get its best scrutiny. That's where I'm going to get my best information, that's what this hearing process is about is to get feedback and then make changes if you think they're needed based on the feedback you've gotten at hearings. So that's where I'm interested in having it, I'd like to have it there. And so I support having the hearing in committee, I think it's the right thing to do and I hope we'll do that.

**P.O. CARACAPPA:**

Any other local Legislative bodies have their public hearings in committee; Legislator Binder, would you know?

**LEG. BINDER:**

Nassau County does, I'm pretty sure Westchester does most of theirs, some other local Legislatures do that have to have public hearings as per Municipal Law.

**P.O. CARACAPPA:**

Thank you. Legislator Montano, Vilorio-Fisher and then Cooper.

**LEG. MONTANO:**

Yes. Legislator Binder, conceptually I don't have a problem with sending a bill to a committee for appropriate scrutiny and committee member expertise, but you're talking about a bill here that is comprehensive in nature, that deals with issues that should be brought to the full Legislature, this is something that's going to be debated at this level. I see no reason -- we have to use our discretion with respect to those bills that we send to committee for routine

analysis and assignment or whatever you want to call it, and then there are those bills that I think require the full scrutiny of the Legislature. And there's a clear distinction between a resolution that deals with a simple subject matter that may be two pages in length as opposed to a bill that restructures government that is 20 pages of underlying new law for Suffolk County, and I think it's unfair to tell the Legislators if you're really interested show up at some committee meeting at some time later on. This is something that should come before the full Legislature, particularly in light of the fact that Legislator Cooper has a bill that's analogous to what you're presenting here. So I would say that both of them should come before the full committee.

**LEG. BINDER:**

Would the Legislator yield?

**LEG. MONTANO:**

I mean the full Legislature.

**LEG. BINDER:**

Would the Legislator yield for a reply?

**LEG. MONTANO:**

Sure, absolutely, sir.

**LEG. BINDER:**

I understand the concern, but what I have found, Mr. Chairman -- and I don't know that Legislator Montano has seen this yet -- when you have a full body sitting in a question and answer period and it's during a lot of other hearings, less actually gets done than more. The more specific question that I've seen, the best question that I've seen, the most specific question that I've seen that could be used at full committee and we'll have transcripts, verbatim transcripts and those all people -- Legislators can go, is in committee, I've seen the best work done there. I actually want a comprehensive work done on this and that's why I'm interested in having it there.

**LEG. MONTANO:**

All right. Having yielded, I'll just say as I said earlier, I don't disagree with you for 90% of the resolutions or 90% of the bills, this bill is one that I think falls outside of that situation. And I would agree that this bill, and myself in particular, would like to see these two bills brought

before the full Legislature so we could give them appropriate time as we deem fit as a full Legislature. I believe that's the position that's on the floor and that's what I would agree with.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Mr. Chairman, thank you. I still believe that these two bills, wherever the public hearing is held, should be held in the same place, in the same venue. If Mr. Binder stated that his Legislative Intent -- please correct me if I'm wrong, Legislator Binder, but I believe you just stated that you wanted to address the abuses in the land acquisition process. So if that be the case, then the Legislative Intent in Legislator Binder's bill is the same as the Legislative Intent in Legislator Cooper's bill, and so it still perplexes me as to why they're assigned to two different committees.

As far as Legislator Alden's comments regarding everyone being welcome, once we have -- I'm on five committees and I do spend some time with constituent work in my own district office and I do use the time when I'm not in committee to set up other appointments, as I'm sure everyone else does. And we're one week out or two weeks out from these public hearings at a point where I didn't expect to be here, and now we're talking about two committees in that committee week so it would be attending seven committees that week. So the whole schedule for Legislators who are not on those committees would have to be changed.

And it can be done, you can move it around, but what we're saying is we're talking about an issue that's important to all of us. We have all invested our time and energies and our concern in the reform of our land acquisition process. To have these two very critical pieces of legislation assigned to two separate committees so that we would have to be distracted in two different respects ways in order to address them I don't think is appropriate.

Number two, if the public were to come and speak to the general -- at a General Meeting during the public portion, we would be precluded from having a dialogue with the public. If they were to come here during a public hearing and look at these two pieces of legislation, we could witness a dialogue between the sponsors of the bill and the rest of the legislative body with the public, we can't do that without a public hearing in this venue because we can't have a dialogue during the public portion.

So I respectfully ask that if you're not going to yield to making this a part of the next General



Meeting, that we at least assign these two bills to the same committee so that we can look at them one against the other. So that those members of the public who are interested in the same issue, and they are both dealing with the same issue, would only have to come to one meeting; this is respect to the public. People who might be losing time of their workday shouldn't have to come to two Legislative committee meetings to address the same issue which is reform in land acquisition. This really doesn't serve the Legislature, it doesn't serve the public, it doesn't serve the search for truth and meaning in what we're facing here.

We have a 20 page document and you're asking us to have the public hearing in a committee where we won't all, as sitting Legislators, have the opportunity to have a dialogue with the public who's coming to speak with us about it.

**P.O. CARACAPPA:**

Thank you. Legislator Cooper. Legislator Cooper, would you like to pass for now?

**LEG. COOPER:**

Let me pass for now, yes.

**LEG. BINDER:**

He's dumbfounded.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Through the Chair, Legislator Viloría-Fisher, you made quite a number of good arguments, but one of them is more than I'm going to focus on than the others. Comparing likes to like, and I really respect what you're trying to say there, if you had both of them in the same committee it might be a little bit easier, but I'm going to throw this proposition out and just summed it to ponder.

Last year we went through a whole process and even the year before where we reformed our -- the whole way that we do business as far as land acquisition because there was a problem in



that. We had hearings, there was a piece of legislation, months went by we had more hearings and another piece of legislation. So I just put forth the proposition that nothing is ever a done-deal and completed and that even if we look at both of these propositions, I have a couple of ideas that I might be bringing forward because I'm developing them right now that in six months, five, six, eight months from now we might ask the public to revisit it and this Legislative body to revisit it. So I think that's something that we have to consider when -- I mean, I understand what your argument is to put them both side by side, but at some point in time we're going to be looking at other propositions or improvements or issues.

The other thing that I'm a little bit troubled about is when I hear that we would treat something because it's a 20 page document, treat that in a different way than we would with something that might be a one-page document. I try to treat every proposition or every resolution, every issue that we deal with in Suffolk County on an even basis, I give it my undivided attention, even if it's something that almost seems like pro forma. So I'm a little bit, you know, concerned when I hear that --

**LEG. VILORIA-FISHER:**

Can I just respond to that?

**LEG. ALDEN:**

-- we would, you know, treat something that's complex, because all the issues are complex; because it's a 20 page document doesn't mean it's any more complex than a half a sheet of paper that might determine the whole course of Suffolk County for its entire future. So I would hope that all of my fellow Legislators would treat every resolution with sincerity and with the attention that it deserves because every one of them is a very important thing. And let's not lose site of the fact that once we go through this committee process, we do that with all the other laws, we're only talking about ten to 15, maybe 20% of the laws require public hearings, so all the other laws, and they're not any less important than we deal with, but all those laws, we deal with that in our debates after they come up before the Legislature as a whole. So I would hope that we would be giving each one of these -- and I don't think -- and I'm not taking your statement as --

**LEG. VILORIA-FISHER:**

Would you yield to that a minute? Because --

**LEG. ALDEN:**

Absolutely.

**LEG. VILORIA-FISHER:**

Because Counsel did refer to it as sweeping changes, so it's not just a number of changes but I'm assuming it would be very complex and we would need a -- you know, to look in-depth at it.

**LEG. ALDEN:**

And that's what our -- that's what our debates do and that's what the committee process does on about 80% of all the laws as proposed now. So we're just making it a little bit, as far as uniform, the way that we treat all laws in Suffolk County, and I would hope that we'd all give each one of these propositions or proposed laws the full undivided attention that they deserve. And we have to remember, we were elected by people to serve and that's a purpose to serve the people and we can't lose site of that, and if it means giving up our week when it's committee week and giving up our whole week, that's what we're supposed to do and if it means giving up whatever to come to meetings, that's what we're supposed to do.

And when there's public hearings, and I mentioned it before, I chaired public hearings on the budget -- and I can't think of anything more important or complex than the budget, it's a document sometimes that thick -- I'm sitting here by myself sometimes with maybe Henry or maybe a stenographer sometimes --

**MS. MAHONEY:**

Maybe?

**LEG. ALDEN:**

Oh, definitely a stenographer, yes, because they're all verbatim minutes. But that might be it, you know, maybe one person from the public, maybe one other Legislator. You know, we have to really get a little bit of conformity to it.

**LEG. VILORIA-FISHER:**

That's --

**P.O. CARACAPPA:**

Point of personal privilege, is that what you're asking for, Legislator Viloría-Fisher?

**LEG. VILORIA-FISHER:**

No, I was going to ask you if I could get on the list again.

**P.O. CARACAPPA:**

I'll put you on the list, or unless you want to respond as a point of personal privilege?

**LEG. VILORIA-FISHER:**

No because it wasn't a personal attack in any way, I don't feel a need to make --

**P.O. CARACAPPA:**

I was just trying to give you a shortcut to respond.

**LEG. ALDEN:**

I'd say it was a personal attack.

**LEG. VILORIA-FISHER:**

Okay, quick response then. The reason we sometimes have only one person at those budget hearings is because they're in the committees and people can't find out when they are; if they were at the General Meeting we'd have a lot more people.

**LEG. ALDEN:**

Touche.

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

I would just ask that -- you know, we've talked about these two bills and giving them scrutiny and how important they are, I just hope that the same diligence and scrutiny and debate that has gone on deciding when we're going to have this hearing is given to the bills before the committees.

**P.O. CARACAPPA:**

Legislator Cooper, are you ready?

**LEG. COOPER:**

I just had a question for Legislative Counsel. Is it possible to have a public hearing on a resolution before a committee, recess that public hearing and have it continue at the full Legislative meeting?

**P.O. CARACAPPA:**

Yes.

**LEG. BINDER:**

If the committee votes to do that.

**P.O. CARACAPPA:**

I'm sorry, you could recess to a date certain.

**LEG. BINDER:**

But the committee would have to do that.

**MS. KNAPP.**

Yes, the committee would have to do that, that's correct. And routinely public hearings are recessed, the only difference would be this is the first time that we're having public hearings before a committee. And I agree with Legislator Binder's reading that the committee would then have to recess it to a certain time and place, different than the next committee meeting.

**LEG. COOPER:**

All right, but the place can be different, instead of the next committee meeting it could be the full Legislative meeting.

**MS. KNAPP.**

As long as they stayed within the form of the Legislature, right.

**LEG. COOPER:**

Okay, thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Cooper. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Yeah, I don't agree at all with these two bills, these two pieces of legislation being linked together, they are fundamentally different. No offense to Mr. Cooper, but Mr. Cooper's legislation, Legislator Cooper's legislation deals with having Legislators disclose information that's already required for them to disclose through their campaign filings. What Legislator Binder's legislation does is a comprehensive overhaul of the way the County approaches the purchase of Real Estate and they should not -- we shouldn't be having this conversation of linking these two together when they're so fundamentally different.

**P.O. CARACAPPA:**

Thank you. Legislator Cooper.

**LEG. COOPER:**

Just to respond for the record, it actually does not require disclosure on the financial information on the part of Legislators, it would require anyone offering to sell land to Suffolk County to disclose any campaign contributions in excess of a thousand dollars.

**P.O. CARACAPPA:**

Legislator Cooper, you're explaining the bills --

**LEG. COOPER:**

He made an incorrect statement on the record, so I just --

**LEG. SCHNEIDERMAN:**

But that information is already contained in those filings.

**P.O. CARACAPPA:**

We are debating setting these public hearings and if it's a good idea to have them in committee, we're not getting into the substance of the bills; I would hope we could all agree on that for now.

I'd ask all Legislators to report to the horseshoe. The final word with relation to setting hearings

in committee, in my eight and a half years here I've attended budget hearings, as Legislator Alden has said, where it was me, the Clerk and the stenographer. I mean, operating -- no no, for the full Legislature, whether it be the Community College Capital Budget Hearing, I've been here and Riverhead where there's been no one, no public either at certain times, but there were no Legislators other than myself.

I have been to public hearings set in districts other than mine as it relates to leases, Health Centers, Social Service Centers, where we're talking 30 year leases, tens of millions of dollars where no one has shown up but myself; I've gone to other Legislator's District Offices and I was the only Legislator there at times. So I'm trying to make a point where -- and Legislator Carpenter hit it right on the head, we've just debated setting the public hearing on these bills for 45 minutes and it's probably combined both bills won't get this kind of scrutiny in the public hearings when they come before the committees. I'm not a betting man but I'd bet that there's not that much time spent on the public hearings and debating them in committee than we have just done in setting the public hearings.

My point, what is my point? That I think we're making a mountain out of a mole hill with relation to the public hearings in committee. Because obviously no one cared about very important public hearings that have been held outside the full Legislature in years past and on very important issues, I don't think it's going to matter now. So with that being said --

**LEG. TONNA:**

Just on --

**P.O. CARACAPPA:**

Legislator Tonna, thanks for joining us.

**LEG. TONNA:**

You said -- no, I heard every single thing, that's why we have speakers. But I just want to take up the betting man, you said you weren't a betting man; I think we bet on the golf course once.

**P.O. CARACAPPA:**

I lost I'm sure; I didn't say I was a winning betting man. Thank you. There's a motion and a second to set the public hearing. All in favor?

**LEG. VILORIA-FISHER:**

For which one, 1033 or 1084?

**P.O. CARACAPPA:**

Yes, 1033. We're setting 10 -- 1086.

**MR. BARTON:**

1086.

**P.O. CARACAPPA:**

I'm sorry.

**LEG. VILORIA-FISHER:**

What about 1084?

**P.O. CARACAPPA:**

We did 1033, we're doing 1086. There's a motion and a second on setting 1086 for February 10th at 9:30 a.m. All in favor? Opposed? Legislator Fisher, Foley, Montano.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

The public hearings are set.

Now setting the date of March 16th, 2004, at 9:30 A.M. at the William H. Rogers Legislature Building in Hauppauge for the following Public Hearing, a ***Public Hearing Regarding Intro Resolution 1026 - Adopting Local Law to establish item price inspection waiver schedule within Suffolk county based on price accuracy.*** Motion by Legislator Alden, second by myself.

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

This is also in committee, March 16th, that's the committee meeting?

**MR. BARTON:**

Yes.

**LEG. ALDEN:**

Sewer protection.

**LEG. FOLEY:**

I'll let my earlier remarks stand for this resolution as with the earlier resolutions. I'm going to oppose this going to committee, it should be before the full Leg.

**LEG. ALDEN:**

Thanks, Brian, because I was afraid no one would give any attention to this one.

**LEG. VILORIA-FISHER:**

It's too short.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. All in favor? Opposed? Abstentions? Please mark Legislator Foley, Montano and -- that's all.

**MR. BARTON:**

14.

**P.O. CARACAPPA:**

Thank you, the public hearings are set.

Going back -- I think that is a record for setting public hearings in the history of the Suffolk County Legislature.

**LEG. ALDEN:**



Mr. Chairman?

**LEG. BINDER:**

That is a record.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

And I apologize for not making these statements earlier, but we approved earlier today a resolution that would bond \$1.7 million to look at and I guess design a Tier II homeless shelter to accommodate up to a hundred families. I just want to point out, and Legislator Tonna had actually conducted an investigation I believe it was the year before, not last year but the year before, on homelessness in Suffolk County. There's a very, very good percentage of the people that are homeless in Suffolk County that are mentally ill. So what we do is if you back up and look at how were they treated in the past, this is another example of New York State actually handing down an unfunded mandate to us because at one point they homed -- housed, they housed these people and now as it's evolved again they have given the financial burden to the local economy, again, with an unfunded mandate, So I just wanted to point that out.

The other thing it also as far as an unfunded mandate in our jail system, there's a very large percentage of people that are in -- being held in the County facilities that are mentally ill.

**P.O. CARACAPPA:**

Thank you, Legislator Alden. Going back to Resolutions Tabled, Procedural Motion No.10.

**(Authorizing acquisition of Strobel Farm in excess of approved County appraised value (9.2%).**

**LEG. CARACCILO:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Caracciolo.

**LEG. FOLEY:**

On the motion, Mr. Chairman.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. On the motion, Legislator Foley.

**LEG. FOLEY:**

Mr. Chairman, we have several members of the Real Estate Division that are here to speak on this resolution. The Strobel Family has stayed here all day as well, certainly if we have further questions for them. But I would ask through the Chair, even at this late hour --

**P.O. CARACAPPA:**

It's not late.

**LEG. FOLEY:**

-- that we not automatically table this resolution, hear what Real Estate has to say. And the reason I would like to hear from Real Estate before any decisions are made on this, we have to keep uppermost in our mind that while we have preserved many farms, particularly in eastern Suffolk county, there's a dwindling number in Brookhaven Town, particularly in Southern Brookhaven, and this represents one of the last great opportunities to preserve farmland in that particular area of the County and of the township. And I would very much -- I would be very concerned if we left today without having some idea of whether -- number one, we're going to purchase it today or whether it be no later than the next meeting. Because we have in the past lost many -- we've lost a number of acquisitions over a relatively minor amount of money in the scheme of things. So with that said, Mr. Chairman, I would ask that you first have Real Estate Division give us the latest briefing on this particular proposed acquisition.

**P.O. CARACAPPA:**

Ms. Costigan why don't you come forward and give the report.

**DIRECTOR COSTIGAN:**

Thank you, Mr. Chairman. You heard earlier today on this particular matter from representative from the Town of Brookhaven and you heard from us at the last meeting of the entire Legislature in terms of the application because this exceeds the mean of the appraisals. I want to emphasize the price does not exceed the higher appraisal, it's still within the appraisals,

indeed it's 9.2% I think over the means.

John Turner told you this morning how important this acquisition is to the Town of Brookhaven. This is a very old farm, there are three generations of Strobels here all day long, Mr. Herb Strobel is still here. This is a pristine and an acquisition of prime importance. The whole reason we're back before you is that the last time we had told you that the difference between the two appraisals was -- what the difference between the two appraisals was and you asked for some further explanation as to the basis, how did that difference occur, how did it come about. Bill Moore is going to address it further, but in a real nut shell, we have cased a super review to be done of these appraisals. We had already reviewed them, we had already found them to be acceptable, in deed they were done by two of our very best appraisers. When appraisers do appraisals they choose comparable sales, they then compare those comparable sales to the subject sale and they adjust them, if one is bigger they take off of it, but smaller where the location is, they adjust it for time, location, size, the shape, the zoning. Here the basis of the whole difference is that the comparables they selected were not all the same; appraiser one selected a bunch, appraiser two selected a bunch, indeed they varied and then when they adjusted them they varied a bit more. However, both of those appraisals standing alone are acceptable. Appraisals are, as you're really sick of hearing, they're opinions, they are professional opinions. The point here is that -- and bill is going to dazzle with his graphs and his analysis, but the real point is both of these appraisals are good, they're just different and they're only slightly different, indeed -- as I say, the mean and the price which we are thinking of buying it of the 9.2% over the mean is still within the upper appraisal. So the variation is entirely acceptable. Mr. Strobel has come here three times from Kentucky to attend hearings, I can't emphasize enough the importance of action on this particular matter.

I will ask Bill Moore, the Certified General Appraiser for the County, to address for you the nature of those differences of that variation, that's what you asked us to come back and explain to you, how did the appraisals get to be different and is the difference acceptable.

**[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**

**LEG. ALDEN:**

Before we go any further, through the Chair, I have a point of procedure to clarify.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

This resolution is sponsored by Legislator Guldi, who is no longer a member of this body. I believe that by our laws and by Charter Law, it has to be stricken.

**P.O. CARACAPPA:**

I believe there is a new sponsor on the Procedural Motion. Would that be accurate, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

I could sponsor it, but this is not in my district, though. In the redistricting --

**LEG. VILORIA-FISHER:**

Can't anyone volunteer to sponsor?

**LEG. TONNA:**

Well, I think -- I don't think it works that way. I think Legislator Alden is right, I think we should get an opinion from Legal Counsel. From what I understand is that after the year is over, bang, they go. And the whole idea was, I think Legislator Binder will speak to it, because it was his law, I think, originally ten or fifteen years ago, that, basically, that somebody should not be encumbered by -- a new Legislative session should not be encumbered by, you know -- so I don't think you could just switch sponsors, I think they have to resubmit the bill.

**LEG. FOLEY:**

I think this was tabled to a date certain, though, back -- just through the Chair, if I may.

**LEG. TONNA:**

I don't think that matters. I mean, Allan, could you speak to it? It was your law. Well, just through the --

**LEG. VILORIA-FISHER:**

We could have Legal Counsel --

**LEG. TONNA:**

Oh, I'm sorry.

**LEG. FOLEY:**

This was tabled to a date certain --

**LEG. TONNA:**

I have the time.

**LEG. FOLEY:**

-- back in --

**LEG. TONNA:**

Yeah. So I -- well, I asked Legal Counsel, so maybe she could -- but I think it's something that you --

**LEG. ALDEN:**

I would yield to Legislator Tonna, but --

**LEG. TONNA:**

I'm sorry.

**LEG. ALDEN:**

That's okay.

**LEG. TONNA:**

I'm sorry, I apologize.

**LEG. ALDEN:**

You asked the same questions I just did, so --

**MS. KNAPP:**

The question did come up before and it is a procedural motion, unlike a resolution or a local law. It's something that could be amended on the floor. And in the course of the discussion, Legislator Schneiderman did say that he was interested in it. At the time, I thought it was in his district, though. Are you still --

**LEG. SCHNEIDERMAN:**

I'm very interested in seeing this moved forward. However, it is in my colleague's district. And because of the redistricting, it is now in --

**LEG. FOLEY:**

You've got to use the mike.

**LEG. VILORIA-FISHER:**

Use the mike, Jay.

**P.O. CARACAPPA:**

Use the microphone, please.

**LEG. SCHNEIDERMAN:**

I'm sorry. I am interested in seeing this move forward, but it is not -- it is no longer in my district with the new redistricting, it now is in the First Legislative District, Mr. -- Legislator Caracciolo's district.

**LEG. CARACCIOLO:**

Mr. Chairman.

**LEG. ALDEN:**

If we could address also the --

**P.O. CARACAPPA:**

Wait. Legislator Alden still has the floor.

**LEG. CARACCIOLO:**

Legislator Alden, would you yield?

**LEG. ALDEN:**

Absolutely, go ahead.

**LEG. CARACCIOLO:**

Thank you. It also should be noted that I.R. 2050, which is the authorizing resolution for this acquisition, sponsored by the County Executive, and in conversation with Chief Deputy County Executive Paul Sabatino this afternoon, as Mr. -- as Todd is aware, he has agreed with me that this should be tabled for a meeting in their offices later this week, so that we can meet with Real Estate and make sure that the County's interests are adequately protected. So that's -- that was the essence of why I made the motion to table.

**LEG. BINDER:**

If Legislator Alden would yield, I could probably shed some light on -- as long as he's got the floor.

**LEG. ALDEN:**

That's fine, I yield.

**LEG. BINDER:**

Thank you. To shed some light on the discussion Legislator Tonna was having, I've had a -- kind of a running disagreement with Counsel, the previous Counsel, about as to whether we really had the right under the rules, without waiving the rules, to be able to table something into the next session. It is my opinion that the way it was written, and I authored it, it was meant to, and I think Counsel may want to take a look at last year's rules to see how it was written, I thought it was pretty clear that at the end of the session, it was terminated, it was over. And when -- and that was meant exactly for that, that nothing should come back, nothing should be able to come into the next session, because members like Legislator Montano, he walks in here and now he's -- in front of him, he sits here and he says, "Wait a minute. I don't have the benefit of hearings, I don't have the benefit of discussions." It was exactly for that reason. And so he disagreed, and so Counsel allowed this rule. It started -- it set somewhat of a precedent that you could table it specifically to a meeting into the next session, and I disagreed. And I didn't think you had the rule without waiving the rules. This wasn't waived. And so I guess I would then ask for -- you know, what could happen is a ruling from the Chair, based on advice of Counsel, as to whether based on the rules that was -- it was tabled under, whether it had -- it should be legally on our agenda now. And so, you know, I don't know if anybody wants a ruling. A ruling of the Chair could rule as to whether he thinks --

**P.O. CARACAPPA:**

Based on our prior rules and the way we've operated at this Legislature, I would say that 2050 is

eligible, the Resolution 2050, because it was tabled to a date certain under the understanding and the passage of a majority of this Legislature to do so. Procedural motion is a different matter. That again is almost serviced -- under the same rules as a memorializing resolution or a sense resolution, where we can lay it on the table, or on the agenda, or on the -- before any Legislator at any given time, amend it on the floor as well. So there's two different -- there's two different things here.

I would make the ruling that 2050 stands, but it's in the -- the Legislator whose district it is in has asked for it to be tabled, along with the County Executive, who is the sponsor --

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

-- of 2050. So it would be my ruling that 2050 stands, and Procedural Motion Number 10 can be moved forward with an amended on the floor.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Alden still has the floor. Legislator Binder, would you agree with that ruling?

**LEG. BINDER:**

Unless someone is willing to make a motion to overrule the -- I actually disagree with it, because I think it violates the rules of 2003. But, if the ruling -- unless someone wants to make a motion to appeal the rule of the Chair, and I won't do that, I have no interest in doing that --

**LEG. FOLEY:**

Mr. Chairman.

**LEG. BINDER:**

-- and I wouldn't do it.



**LEG. TONNA:**

Neither do I.

**LEG. BINDER:**

So that's fine.

**P.O. CARACAPPA:**

Legislator Alden, continue.

**LEG. ALDEN:**

I would just ask the Chair to address the fact that Legislator Guldi is the sponsor of Procedural Motion 10, and unless it is amended, where another sponsor will substitute his name in, I would ask that it be stricken on that grounds.

**LEG. FOLEY:**

Mr. Chairman.

**LEG. SCHNEIDERMAN:**

I'll be happy to sponsor this.

**LEG. FOLEY:**

I'll be happy to cosponsor the procedural motion.

**P.O. CARACAPPA:**

Yeah. Based on your concern, if there was no -- there was no new sponsor, I would ask to have it stricken, but seeing that it is a procedural motion and that there is an amendment on the floor, for a new sponsor, let it stand for now.

**LEG. ALDEN:**

I would ask that Henry Barton have the Clerk's Office reflect the fact that that's a new sponsor and cosponsor on it.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. We're going to hear from Counsel in a moment. But, also, I would ask the representatives from the County Executive's Office, I mean, if there's been a private understanding that the County Executive wants to table this resolution, well, that has to come forward before all of us to hear him say so, and for the reasons why he wishes to table it, when this has been of a time sensitive nature. With that said, you know, until I hear that officially from the County Attorney -- County Executive's Office, as well as whatever the explanations are, I would prefer that if we could move forward today with this acquisition, but --

**P.O. CARACAPPA:**

Well, first, let me --

**LEG. FOLEY:**

Could we hear from Todd on this?

**P.O. CARACAPPA:**

First, let me apologize, Todd. I skipped over the public portion -- the public official's part, for which comes directly after public hearings. And based on the commotion of us setting the hearings, I overlooked it, so I apologize. I don't know if you had any statements to make today before the Legislature, but, please, forgive us for overlooking that, and feel free to make any comments now.

**MR. JOHNSON:**

Don't worry about it, I was asleep, but no. We've learned to be patient, so that's not a problem at all. I would like to say that this is a procedural motion. I believe that Legislator Caracciolo did have conversations.

**P.O. CARACAPPA:**

It's a resolution 20 --

**MR. JOHNSON:**

I'm speaking to --

**P.O. CARACAPPA:**

Okay.

**MR. JOHNSON:**

-- Procedural Motion Number 10.

**P.O. CARACAPPA:**

Ten?

**LEG. FOLEY:**

Right.

**P.O. CARACAPPA:**

And the companion. We have to pass 10 first to do 2050, which is the acquisition. Now, Legislator Caracciolo has made the representation that the County Executive would like to see 2050 tabled.

**LEG. CARACCIOLO:**

That's correct.

**MR. JOHNSON:**

Okay. My discussions with the County Executive's Office concerned a discussion on having the procedural motion tabled. If the procedural motion was tabled, then you would not be able to move forward to approve Resolution Number 2050.

**P.O. CARACAPPA:**

Right.

**MR. JOHNSON:**

The County Executive's position was that the procedural motion is totally within the authority of the Legislature. If the Legislature wanted to review it and take time to review it and table it, that would be certainly up to them. Legislator Caracciolo had some questions about it and the County Executive's Office is certainly open to hear those questions.

The people from the Real Estate Office were here and able to make a presentation. If the Legislature wanted to hear that presentation, they were available to make that presentation. But as far as moving forward with the tabling motion for 10, the County Executive would not oppose that and --

**LEG. FOLEY:**

Let me ask this question, Mr. Chairman. Thank you. If we -- with the new cosponsorship of Procedural Motion 10, if Procedural Motion 10 is approved today, then 2050 will be eligible to be voted on today as well, and the County Executive wouldn't stand in the way of us approving 2050, if we approve Procedural Motion 10.

**MR. JOHNSON:**

I can get some clarification on that. My conversations did not --

**LEG. FOLEY:**

It's very important, because I'm not doubting the voracity of what Legislator Caracciolo was saying, but if there are -- if there are -- if the Executive is telling -- mentioning to one or suggesting to one Legislator he wants to table this, well, I want to make sure that that Resolution 2050, I want to make sure that the sponsor of the bill, the County Executive realizes what the potential impact is of that, which he may not necessarily be aware of. And it has been here for a number of months --

**MR. JOHNSON:**

I believe the County Executive is fully aware that if the Procedural Motion 10 does not move forward, that this -- that this transaction will be stalled.

**LEG. FOLEY:**

A slight difference in how I'm explaining it. I'm explaining the fact, if we approve 10, what we've heard from Legislator Caracciolo is that the County Exec wants 2050 tabled. However, our speaking here, between you and me, if 20 -- if Motion 10 is approved here, it appears that the County Executive would not stand in the way of us approving Resolution 2050. So we need some clarification on that. And if he does still want to have 2050 tabled, then we have to know exactly why, because I don't know what reasons he's given. When I had spoken with the County Executive's Office the other day about what was coming up today for voting, I had

mentioned to him, to his people specifically, that in southern Brookhaven Town that this is a very important resolution, both for the Township as it is for the County. So, I would --

**MR. JOHNSON:**

Well, I would think that the end result of, again, procedural motion being tabled today would -- that the resolution itself would not be able to be voted on and --

**LEG. FOLEY:**

That's correct.

**MR. JOHNSON:**

-- would be held. The County Executive -- wouldn't.

**LEG. FOLEY:**

Unless we approve -- if we approve Resolution 10 today, though --

**MR. JOHNSON:**

Let me just finish my explanation.

**LEG. FOLEY:**

-- then it makes 2050 eligible to be approved.

**MR. JOHNSON:**

Let me just make my explanation clear.

**LEG. FOLEY:**

Go ahead.

**MR. JOHNSON:**

That if Procedural Motion 10 were tabled, you would not be able to move forward with Resolution 2050. The County Executive did not oppose the procedural motion being tabled and the transaction being held, if it was the decision of this Legislature based on some concerns raised by Legislator Caracciolo.

**LEG. CARACCILOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Yeah. I think there's some miscommunication here, because the County Executive isn't the sponsor of the procedural motion, so, Legislator Caracciolo, I think, with all due respect, I think you made the representation that the County Executive wanted -- would table his resolution, which is 2050. Now, not --

**LEG. CARACCIOLO:**

That is correct.

**P.O. CARACAPPA:**

Not the procedural motion.

**LEG. CARACCIOLO:**

I mean, I would like to get Mr. Sabatino in the auditorium, so he could tell you from his mouth to your ears what the conversation --

**P.O. CARACAPPA:**

Right. I just want --

**LEG. CARACCIOLO:**

-- he and I had.

**P.O. CARACAPPA:**

I just want to make --

**LEG. TONNA:**

Chief Deputy?

**P.O. CARACAPPA:**

I just want to make it clear --

**LEG. TONNA:**

Chief Deputy Sabatino?

**P.O. CARACAPPA:**

-- to my colleagues, and you all know this, the County Executive doesn't have the ability to say table, other than just his opinion, table a procedural motion, because he's not the sponsor, so --

**LEG. CARACCILO:**

I understand that.

**P.O. CARACAPPA:**

Okay. I'm just making it clear. There was, I think --

**LEG. CARACCILO:**

I didn't make that representation.

**MR. JOHNSON:**

And that's clear to the County Executive also. I will certainly be happy to get clarification with regards to --

**LEG. CARACCILO:**

I'd like to request Mr. Sabatino here, he's right across the street.

**P.O. CARACAPPA:**

It's being done.

**LEG. FOLEY:**

In the meanwhile --

**LEG. VILORIA-FISHER:**

Question.

**LEG. FOLEY:**

-- Mr. Chairman, if we could have the Real Estate give us the presentation.

**P.O. CARACAPPA:**

Yes. Oh, Legislator Caracciolo, were you finished for now? It was just a request, it's being

done?

**LEG. CARACCILO:**

Yes.

**LEG. VILORIA-FISHER:**

I just have a question for Counsel.

**P.O. CARACAPPA:**

Quickly, go ahead.

**LEG. VILORIA-FISHER:**

How many votes do we need to pass a procedural motion, is it 12?

**MS. KNAPP:**

Ten.

**LEG. VILORIA-FISHER:**

Just ten? Okay. I thought for this -- for the 10% -- okay. I thought it was 12.

**LEG. SCHNEIDERMAN:**

I think it's 12, too.

**LEG. ALDEN:**

Fourteen for 10%.

**P.O. CARACAPPA:**

It's 14.

**LEG. VILORIA-FISHER:**

Oh, so it's not 10, it's 14.

**P.O. CARACAPPA:**

It's 14.



**LEG. VILORIA-FISHER:**

Thank you.

**P.O. CARACAPPA:**

This is to exceed the -- this is to exceed the appraised value. No. If it's --

**MS. COSTIGAN:**

By less than 10%.

**P.O. CARACAPPA:**

By less than 10%, then it is --

**MS. COSTIGAN:**

This is not Mr. Bishop's law.

**P.O. CARACAPPA:**

Then it's -- then it's 12.

**MS. COSTIGAN:**

That's right, it's 12.

**P.O. CARACAPPA:**

And if it's over -- if it's over the 10%, it's 14.

**MS. COSTIGAN:**

You got it.

**LEG. VILORIA-FISHER:**

So it is 12.

**P.O. CARACAPPA:**

It's 12 for -- so, Legislator Foley, you have further questions on the acquisition?

**LEG. FOLEY:**

Well, Mr. Chairman, I would like -- as Ms. Costigan had pointed out, she was requested by this Legislature at the last meeting to give us an explanation of why there was a variation, and so Mr. --

**MS. COSTIGAN:**

Moore.

**LEG. FOLEY:**

Moore was going to give us an explanation, both not only in percentage terms, but also in real dollar terms, and then I think some questions will flow from that.

**P.O. CARACAPPA:**

Ms. Costigan.

**MS. COSTIGAN:**

I'll introduce Bill Moore.

**LEG. FOLEY:**

And, hopefully, a better understanding of why we need to move forward.

**P.O. CARACAPPA:**

Why don't you finish with the presentation, and then we'll take -- then you could take questions from Legislators, because there are a few, based on the acquisition.

**MS. COSTIGAN:**

I'll introduce Bill Moore, who is the General Certified Appraiser for the County, and distribute and exhibit for you.

**MR. MOORE:**

Thank you very much, Christine, and good afternoon to Mr. Presiding Officer and the other distinguished members.

**LEG. FOLEY:**

Can we have some order, Mr. Chairman?

**MR. MOORE:**

Other distinguished members of the County Legislature. I found that both the appraisals in this matter are acceptable. In my experience, two appraisals submitted on any property will never be the same. If two appraisals were to come in and have the same or very similar valuation, that would be a cause for suspicion, I think. In this particular case, there is a difference of opinion, again, which we see in nearly every instance.

I've passed around a set of exhibits, which are meant to specifically synopsise the contents of the appraisal reports, so that by viewing the exhibits, you will have I think somewhat of a pretty extensive knowledge about where the sales lie in terms of their valuations, what was the impact of each particular adjustment that was made to the sales, and how we arrive at the final conclusion of value.

Appraisers select comparable sales based on their own opinion as to what sales in the marketplace in recent times are somewhat similar to the subject property, so that they can then make adjustments to those sales, just as we all make adjustments to sales of houses in our neighborhood. Well, we might say, "Well, that's worth 10% more or 20% less than my own." You make these adjustments to the comparable sales, you do not make them to the subject property. From these adjustments, the appraiser comes up with their indicated or adjusted value for all of his comparable sales that is specifically key to the subject property. It's his conception of what the subject property is worth based on adjustments to each of those comparable sales. So he'll have a range of sales, typically four or five, sometimes three. From that range, he then makes another opinion judgment. He determines where within that range he's going to make his final conclusion of value for the subject property.

So, briefly, in what I've described very briefly in the appraisal process, there are at least those three opportunities for variations to occur, and there are probably hundreds of others within each appraisal report in that, as you'll see on some of the charts, which I'll explain to you in a moment, you have a lot of up and down adjustments, frankly, and they're usually minor in nature. None of them are five or ten percent, typically, or sometimes you'll see 20%. We're not talking here 50% or 30%. Most of them, as you'll notice, are very minor in nature, and sometimes the sales are such quality sales that the appraiser will make actually no adjustments, and you'll see that in your exhibits as well.

What we're appraising here are development rights, which are very prone to a high degree of variation from one appraiser to the next, and there's a specific reason for that. When we appraise development rights, we can't go out into the marketplace and find sales of such things, we have to do it by a particular method as follows:

We take a piece of property and we appraise it to what we call full fee valuation, and then we take that same property in the -- let's call it the "after situation", after development rights have been removed, it will have a lesser valuation. And it's highest and best use in the instance will be for agricultural use, all kinds of uses such as agricultural use, which do not include any kind of development. So, by stripping away the development rights, we are purchasing the majority of the valuation of the property.

And again, if you leap ahead in some of my documents that I -- the exhibits that I've passed out, you'll see how that segmentation breaks down. But, specifically, we sometimes see -- if you look at the last page of the sheets that I handed out, you'll see that the middle larger figures of \$63,145 and \$49,738 represent the valuation in the eyes of these two appraisers of this subject property's development rights. You'll see down below across the bottom of the page the other component of the full value is 12,000 and \$15,000 in agricultural usage rights.

Up above, you'll see the full fee valuation. What we have to do is subtract from the full fee valuation the agricultural usage, then we come up with the development rights value, which you'll see again as the larger of the values, and you'll see also the mean cited as \$56,440 between the two appraisers.

Now, where we sometimes get an artificial, sometimes erratic motion to the value of the development rights is that both appraisers, and all other appraisers I've seen in the marketplace, have concluded that agricultural rights values are increasing at a slower pace per year than the full fee development rights values. So what you have is a situation where the full fee development rights values is outpacing in an upward direction somewhat slower agricultural rights increase year by year, month by month. So you have a variation here that you're concerned about, how equal is this between one appraiser and another, the full fee value, but you also have to worry about the bottom side, which is varying, as I just said, at a different rate. And the extent of the valuation of the difference gets larger over time. Therefore, you get an artificial -- it does represent the market, but it's somewhat an unusual situation where the

development rights values can be erratic between two appraisers, because they have more variables to worry about.

If you'll examine Sheet 1 of the exhibits, that's the sheet that's got the "Department of Planning" written at the top. These are the range of values extracted from the two appraisal reports that have been prepared. And you'll see that we first have the full fee valuation of the subject property by Rogers and Taylor. You'll see in the next column, he's got his range, and in the third column, the adjusted value that he extracts from that range. Likewise, under full fee evaluation, we have the Wood appraisal. He set forth his range in the middle of the page. And all the way to the right, the adjusted value, his indicated value to the subject property, is also cited.

All through this process, the appraisers, by the way, as I've mentioned, are using their own opinions.

On the bottom half of the page, we do the same thing for the agricultural use. And I won't belabor the point, but what you have here is the range that each appraiser has established, and all the way to the right, his adjusted value that he's picked. So that, as shown by the arrows on the bottom of the page, from these ranges that we've set up, the appraisers have chosen these adjusted valuations. And we still haven't gotten to development rights yet, because those are the valuations of the full fee and the agricultural use, which we must subtract one from the other to come up with the development right valuation.

On the next sheet, I've attempted to synopsise in a very clear manner, because, obviously, the last time we were here, we had copies of the appraisals, but how can one compare and contrast the contents of one appraisal to the other? It's not so easy, it's difficult. I've done that here on this chart. Here, I've set forth for the fee valuation segment, all of the appraisers comparable sales. On the left side of the page, we have Rogers and Taylor's sales one through four, on the right side of the page, we have the Wood sales five through seven. Our two appraisers are Rogers and Taylor and Wood. I plotted with the solid line shown on your sheet the actual sale prices per acre, and they're marked with little squares. And they show up on a grid, if you look at the left side of the sheet, as having a certain value. With dashed lines, I've depicted the appraiser's adjusted or indicated value per acre that he has taken from that solid line. So, in each instance, you can see the actual market activity with the solid line, the sales price per acre of the comparable sales, and how the appraiser has adjusted them. These are all of the sales

for the fee valuation component.

Interestingly, as you might expect, the up and down movement, or the range of the solid lines, is greater than his final result in each case of his indicated or adjusted values, where he's kind of come more towards the center, to try to key in on the subject property's value.

**LEG. FOLEY:**

Mr. Moore.

**MR. MOORE:**

Yes.

**LEG. FOLEY:**

I want to interrupt at this moment through the Chair, if I may, to emphasize one of the figures here, when you look at the fee value of comparables. The prior page, we have a mean average and adjusted value of 75 per acre by Rogers and Taylor, sixty-four-seven-fifty per acre the adjusted value by Wood. When we look at the fee value of comparables, and this is what I have heard from people that I know in the greater Moriches area, that you have sales as high as 94,000 an acre; is that not correct?

**MR. MOORE:**

Oh, certainly.

**LEG. FOLEY:**

Is that what we're reading here? Ninety-four thousand an acre is what's happening now in that particular area. It can go as high as that for one acre of property.

**MR. MOORE:**

Yes.

**LEG. FOLEY:**

That's correct, for comparables.

**LEG. CARACCILO:**

That's waterfront.

**LEG. FOLEY:**

No, it's not waterfront. Waterfront is not comparable, because it's inland. And I wish the Legislator who represents the district would know the difference between waterfront in Center Moriches and an inland portion of Center Moriches.

**LEG. CARACCILOLO:**

That's an insult.

**LEG. FOLEY:**

It's not an insult, it's accurate.

**LEG. CARACCILOLO:**

I live on waterfront.

**LEG. FOLEY:**

Ninety-four thousand -- when we speak -- I have the floor, Mr. Chairman. When we speak of ninety-four thousand dollars as a comparable, is that waterfront, or is that an inland comparable acre?

**MR. MOORE:**

In this particular case, it is not a waterfront parcel.

**LEG. FOLEY:**

Thank you. And I would just emphasize the point, Mr. Chairman, that 94,000 the high for an inland, and we have an adjusted value here of 75,000, almost 20,000 less, which the owners are willing to take a look at. Please go ahead.

**MR. MOORE:**

Thank you. I did neglect to point out on this first sheet that we do have the mean. Actually, it's labeled as the mean and it's incorrectly labeled. The \$64,750 on your fee chart mean on the right side of the page should not say "mean", I'm sorry, it should say the appraisers indicated or adjusted value.

**LEG. FOLEY:**

Adjusted value.

**MR. MOORE:**

Yes. And the same holds true for the left side of the page, where we have \$75,000. It's probably shown in red. It's shown in red on most of your sheets. That is not the mean, that is actually the indicated or chosen or adjusted value taken by the appraiser.

We have the next sheet entitled "Agricultural Comparable Values" -- "Agricultural Comparable Sales", rather, which does exactly the same thing. The solid line, which has squares or diamonds depicted on it, will indicate to you the actual sales history, the actual sales that did occur on a per acre basis of agricultural sales, which are comparable. The dashed line, in a similar fashion to the prior chart, indicates the appraiser's adjusted or indicated valuation, his opinion of value as applied to the subject property for those -- for every single individual sale. And you'll see once again the wider of the two ranges is the solid line, as compared to the dashed line here, although on this particular sheet, it's not as pronounced as on the prior sheet.

The final sheet, entitled "Summary of Estimated Values," we've already touched on once, but what it does is highlight for you that we're not simply valuing the full fee, that's the full total interest in the property, each property, we are appraising praising that, plus another component, which is another whole very vibrant marketplace in Suffolk County, and that is folks buying farmland, which has only development rights available -- has no development rights, only farming rights on it. So we're fortunate in that respect in that we can merely apply one to the other, calculate the difference, and by definition, we are defining that as the development rights on the property.

In conclusion, or nearly so, the final page does show the mean of the two to be \$56,440, which I understand was the offer, the initial offer. And I'd just like to emphasize that, in my opinion, if you take all of those sales on each -- actually, we're fortunate. Doing two appraisal reports on each property gives us a lot of wisdom. What it gives us is not just three or four comparable sales, it gives us double that. And I understand, we take the mean and we make an offer, there's a lot of wisdom in that, there's a lot -- there's a lot of wisdom in that from the appraisal point of view, and I endorse both of these appraisal reports.

**LEG. O'LEARY:**

Through the Chair, please.



**D.P.O. CARPENTER:**

Certainly, Legislator O'Leary.

**LEG. O'LEARY:**

Sir, I have a question. I just want to determine if fifty-six-four-forty is the mean price per acre; do I understand that correctly?

**MR. MOORE:**

Fifty-six thousand four hundred forty dollars, that's a great question, because the last page of the materials you have, and we'll improve this as we go on, should be labeled the mean is the development rights value, and that should be made clear. That mean of 56,440 --

**LEG. O'LEARY:**

Okay. What --

**MR. MOORE:**

-- is the mean of development rights.

**LEG. VILORIA-FISHER:**

It says that.

**LEG. O'LEARY:**

What is the -- is the 9.2 % over and above the, fifty-six-four-forty, that's the actual selling price?

**MR. MOORE:**

Christine can speak to it.

**MS. COSTIGAN:**

Yes, that's right.

**LEG. O'LEARY:**

And what is that number? What is nine --

**MS. COSTIGAN:**

It translates, when you multiply it per acreage, that fifty-six-four-forty is one million two-ninety-eight; 9.2 % over that is the one million four-sixteen eight hundred.

**LEG. O'LEARY:**

No, I'm looking for the per acre.

**LEG. FOLEY:**

Per acre. What is the per acre?

**LEG. O'LEARY:**

What's the per acre?

**MS. COSTIGAN:**

And the per acre is sixty-one-six.

**LEG. O'LEARY:**

Sixty-one-six is the actual selling price.

**MS. COSTIGAN:**

That's correct. And I emphasize the Town as paying 30% of that.

**LEG. O'LEARY:**

Yes, I understand that. But nowhere in this report does it indicate the actual selling price per acre.

**MS. COSTIGAN:**

We had handed that out last time. Sorry, there was a chart that went out last time.

**LEG. O'LEARY:**

Okay. Thank you.

**D.P.O. CARPENTER:**

Legislator Cooper, then Alden, then Schneiderman.

**LEG. COOPER:**

Could you just walk us through the calculations for just one of the figures on the page that's headed "Fee Value of Comparables"? And for the Wood sales, I see 64,750 as the mean, or on the first page, it's described as the adjusted value. How is that number arrived at? What values did you add to get there, because I've been trying to do the numbers and I can't come up with that number.

**MR. MOORE:**

That figure is the opinion of the appraiser, yet another opportunity for there to be some variation, in that once he establishes that range, he then has the opportunity to in his own mind differentiate from what he thinks are the lesser applicable sales or great -- more greatly applicable sales, and establishes indicated value to the subject property within that range. And I've seen it anywhere within that range. It's unfortunate that Wood mean crept into this particular chart, it's hardly ever the mean.

**MS. COSTIGAN:**

But it's not a number we picked, it's the appraiser's number.

**LEG. COOPER:**

Right, but --

**MS. COSTIGAN:**

We thought that was the best of all those numbers.

**LEG. O'LEARY:**

But, if you look at the appraiser's indicated value per acre, he has, if I'm reading this correctly, 62,600 and change, 62,000 and change, 81,000, approximately, and 76,000. So you add those together, divide that by four.

**MS. COSTIGAN:**

No. It's the appraiser who picked that number, it's not mathematical.

**LEG. COOPER:**

Yes, the appraiser adds those together, divides that by four.

**MS. COSTIGAN:**

Yes, the appraiser -- the appraiser has that range of sixty-two-six to eighty-nine-seventy-four, and the appraiser picks that number as most representative. You won't get it mathematically, it's the appraiser's number. That's why --

**LEG. COOPER:**

But if you don't get it -- I mean, there has to be a mathematical basis for this.

**MS. COSTIGAN:**

No.

**LEG. COOPER:**

I'm totally confused.

**MS. COSTIGAN:**

That's why you have these troubles and why some of you are troubled by appraisals. It's a selection process based on expertise, it's not mathematical. And, indeed, if two appraisals came out to be the same, you should worry, then you should worry, because those two appraisers have not conducted an independent investigation and reached an independent selection, they've colluded probably. But, in this instance, that 64,000 -- Wood's range was sixty-two-thousand-six to eighty-thousand-nine.

**LEG. COOPER:**

But it's showing actual sales price per acre, if I'm reading this correctly, of 62,000 and change, 89,000, and 94,000, but despite that, he came up with the mean of 64,000?

**MS. COSTIGAN:**

That ninety -- good catch.

**LEG. VILORIA-FISHER:**

It's development rights.

**MS. COSTIGAN:**

The 94,000 --

**LEG. VILORIA-FISHER:**

Isn't that for acquisition instead of development rights,  
Miss Costigan?

**MR. MOORE:**

The appraiser -- well, first of all, the thing that you're looking at in the first instance are the sales prices.

**LEG. COOPER:**

Right.

**MR. MOORE:**

From that, we have to remember that he's gone down to the dash line, which are his indicated or adjusted values, after he's contemplated each individual sale relative to its merits. Then from the dash line, he will pick any number he sees fit. It will rarely be the mean, it may be the mean, it can be the mean. Many times it's higher than the mean and many times it's lower than the mean. These are not engineers, they're appraisers. There's no book they go to look up what they should do next, it's all their opinion.

**LEG. FOLEY:**

For instance, Legislator Cooper, for instance, I'll give you an example. When we purchased the property across from the Vanderbilt Museum a couple of years ago, which was a very good acquisition, that was based upon an appraised value of that property, it was not an exact science. And what took place were comparable analysis of properties in that general area of Huntington. And the same holds true here on the South Shore of the county, where comparables have been made, and they've used the wisdom of the comparables to decide what the mean average is. And I would hasten to add that even with the 9 1/2%, it is still less, it is still less than the adjusted value. It's still less than the lower adjusted value of Wood.

**LEG. COOPER:**

But I'm not arguing about whether the mean value that they ultimately came up with is fair or not, I'm just concerned that the process that is used by the appraiser, where he takes hard numbers that reflect actual sales prices, he takes numbers that are his best estimate of value per acre for the various properties, and then almost basically throws all of that out of the

window and then comes up with a new number, and that's how, you know, we have a situation where you can have these -- such huge discrepancies.

**LEG. FOLEY:**

Well, here, I think what we heard from Mr. Moore, that these are not, particularly when you look at Wood as compared to Rogers and Taylor, it's not huge discrepancies, that there is a variation. But within Mr. Moore's professional judgment, it's a variation that -- that is, let's say, an acceptable variation, if I can put it that way.

But I would also say this, and, again, the 9.2% mean of development rights is still -- adding that in is still less than the lower adjusted value. So, while it seems to be a mystical way of how they go about -- well, I won't even say "mystical", they use hard figures, comparables, and then they come up with a range, and the range is the best they can do, because it's as much an art as it is a science. But this is the same approach that has been used to purchase properties throughout this County. And at far higher amounts per acre, I might say, because, in those other areas, the comparables were a much higher value per acre than in southern Brookhaven Town.

**D.P.O. CARPENTER:**

Legislator Cooper, are you done?

**LEG. COOPER:**

Yes, thank you.

**D.P.O. CARPENTER:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

Hi. Earlier in the public portion, we heard testimony that the process to buy this property has been going on for a number of years.

**MS. COSTIGAN:**

That's correct. I think the -- I think it's three years, isn't it, Mr. Strobel? Yes.

**LEG. ALDEN:**

What are the age of the appraisals that we're using here?

**MS. COSTIGAN:**

These are new appraisals, they were done in the fall.

**LEG. ALDEN:**

And the appraisals that were done prior to this?

**MS. COSTIGAN:**

Were three years ago.

**LEG. ALDEN:**

Okay. Did --

**MS. COSTIGAN:**

It was before I was here.

**LEG. ALDEN:**

All right. Did we take a look at what the trend was, were they -- so, okay, could -- if you could tell me what the trend was for that three years, like --

**MR. MOORE:**

Yes. The prior appraisal I remember to be a bit over four years, maybe even close to five years, but the values were so much different. As I recollect, it seems to me the development rights values --

**LEG. ALDEN:**

I can't hear you, I'm sorry.

**MR. MOORE:**

The development rights value, if I'm remembering correctly, was something like \$6,000 per acre. These values have exploded.

**LEG. ALDEN:**

Well, we changed the way we actually were valuing, or not the way we were valuing, but the way we're acquiring, because there was a lot of complaints that were brought forward by owners of farms that we weren't valuing the development rights properly. So, at some point in time, we changed that, and when was that?

**MR. MOORE:**

That's before my time. I don't know.

**LEG. FOLEY:**

To answer your question -- I could answer your question.

**LEG. ALDEN:**

It was only a year or two.

**D.P.O. CARPENTER:**

Excuse me, Legislator Foley.

**LEG. FOLEY:**

I said I could answer his question. He's raised a question.

**D.P.O. CARPENTER:**

Well --

**LEG. FOLEY:**

All right. If you -- you know, fine.

**D.P.O. CARPENTER:**

You know, the gentleman is stepping up to the microphone to answer the question.

**LEG. FOLEY:**

He said it was before his time.

**MS. COSTIGAN:**

I can't -- I don't think it's a question that we changed the method by which we value development rights so much as we did upgrade our appraisers. We only use certified general appraisers now, we don't use people who aren't fully the highest certification. And secondly,



this -- in fact, indeed, the Moriches is a market which is so utterly different from what it was four years ago that it really is apples and oranges.

**LEG. ALDEN:**

Now, from that comparison, do you find the market is still rising today, or has it flattened out, or is it decreasing?

**MR. MOORE:**

Our best evidence are these appraisals, which, by the way, were made in April and August of '93, that's our best evidence. As of those dates of value, the market was still rising.

**LEG. ALDEN:**

We don't have any other acquisitions in the hopper, so to speak, that --

**MR. MOORE:**

Well, we do, and it's hard to -- every single appraisal I've ever seen has an increase in valuation, and I haven't seen it drop off from the 5, 10, 15% that we've seen for so long. Across the board, it continues.

**LEG. ALDEN:**

Since our last meeting, and we asked for, you know, like a little bit more analysis on this, I made some phone calls, and it seems like some people are under the impression that the market in general in Suffolk County has kind of like slowed, as far as its ascent, because it was almost like straight up, now it's kind of leveling off a little bit; is that a fair assessment or --

**MR. MOORE:**

In my own opinion, that's going to happen. It's a matter of when. We just don't have the market data going back 30 or 60 days alone to confine that.

**MS. COSTIGAN:**

And also, Mr. Alden, when you -- most of that data is anecdotal to residential sales, it's not analogous to the kind of sales that we're talking about.

**LEG. ALDEN:**

No, I actually called and asked them about farms, you know, the east end. I did the north fork

and I did the south fork, I called, you know -- but, anyway --

**MS. COSTIGAN:**

Yeah, it's still going up, what we're seeing. But, again, what you're talking about will be the appraisals we see three months from now, what's the value now, so --

**LEG. ALDEN:**

Right. Now, did either of these use the same comparables?

**MR. MOORE:**

For the agricultural sales, no, they did not. For the fee valuation sales, there were two common sales.

**LEG. ALDEN:**

And how do they stack up against each other?

**MR. MOORE:**

Very nicely, very close. They each had their own differences of opinion, of course.

**LEG. ALDEN:**

Which ones are those on this fee value of comps? I guess that's page two of your handout.

**MR. MOORE:**

Okay. Page two of the handout, the numbers across the bottom of the sheet, zero through eight, do not represent the actual numbers, I just used those as arbitrary numbers. I didn't want to put one, two, three, four and then one, two, three four again because then you would think they were the same sales and they weren't. So having said that, under Rogers and Taylor, if you were to look at his second sale, that would be sale number two on this sheet, was the same as Woods sale number one which would be five on this sheet.

**LEG. ALDEN:**

So the adjusted value under Rogers and Taylor went up to 72,744?

**MR. MOORE:**

Yes.

**LEG. ALDEN:**

And the adjusted value under Woods stayed at 62,600?

**MR. MOORE:**

Yes.

**LEG. ALDEN:**

Okay. And those were the same, using the same fee sale.

**MR. MOORE:**

The same exact sale, that's true.

**LEG. ALDEN:**

Okay. All right, thank you.

**MR. MOORE:**

You're welcome.

**D.P.O. CARPENTER:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

My first question to Mr. Moore and then to Ms. Costigan the second question, kind of piggy-backing from Legislator Alden's question relating to time. You said one was done in April, which is almost a year now, and the other one was done in August which is half a year old; maybe I heard you wrong but I thought you said something like the real estate market during the past year has been going up by some 15%, was that correct?

**MR. MOORE:**

Yes, 10 or 15.

**LEG. SCHNEIDERMAN:**

So if you adjusted them, I know it only -- one year or a half a year doesn't seem like a long time but if you adjusted them to today or more likely to the date of closing which probably is three

months from now at least, you might actually cover that 10% difference. I don't know but it might be awfully close, even if you took half of 15 you get seven and a half percent adjustment, it gets awfully close; is that correct?

**MR. MOORE:**

Everything you say is true, that the prices are increasing monthly.

**LEG. SCHNEIDERMAN:**

Okay, thank you. My next question to Christine Costigan, this is a little bit de ja vu for me because only a few months ago I was on the other side of the horseshoe trying to convince the Legislature to purchase a property out in my district in my town, the Duke Property, and we had the very same situation where there was a difference between the mean appraisals and the -- the mean appraisals and the actual sales price. And I looked in this case where the County now is 70% of the purchase price, and if you take 70% of that mean purchase price -- and forgive me because I don't have a calculator in front of me -- but I calculated that, that would be roughly \$908,000, and if you take 70% of the sales price, it's 991 plus; the actual difference between those two is, 83,160.

Now, with the Duke Property it was some \$300,000 difference and the Legislature turned to me as Supervisor of the Town of East Hampton and said would the town absorb the difference so that we don't get stuck in this dilemma? And the town, which was very serious about preserving this property, as I know John Turner who spoke earlier from the Town of Brookhaven is very serious about preserving this, I don't think anybody here is from Brookhaven now, I could be wrong, but I feel like we should ask the question. And maybe we could avoid this debate if the Town of Brookhaven would be willing to absorb the \$80,000 difference.

**MS. COSTIGAN:**

I can't comment on what the Town of Brookhaven would do. I do know that if you did that it would take a whole 'nother -- we'd have to take quite a lot of time to do it because you'd have to amend this, you'd have to have a new resolution with a different split with a different number, they would need a new resolution.

**LEG. SCHNEIDERMAN:**

I want to make sure we treat all the towns the same.

**D.P.O. CARPENTER:**

Would all Legislators please come to the horseshoe.

**LEG. FOLEY:**

Madam Chair?

**D.P.O. CARPENTER:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. Ms. Costigan, it was mentioned earlier that with the 9.2%, we're looking at a dollar value or rather a per acre value of 61,600, correct?

**MS. COSTIGAN:**

That's correct.

**LEG. FOLEY:**

All right. Now, I'm going to wait --

**LEG. SCHNEIDERMAN:**

That's on a per acre basis.

**LEG. FOLEY:**

That's a per acre basis. Is everyone present? Before I have the questions answered, I'd like to have the other Legislators present.

**P.O. CARACAPPA:**

They are just outside the door.

**LEG. ALDEN:**

Brian, go ahead. Nobody was here when I was asking questions either, so don't worry about it.

**P.O. CARACAPPA:**

If we vote they'll be at the door, Brian.

**LEG. FOLEY:**

All right. The point that I would get to, Mr. Chairman, is the fact that there are few farms left in all of Brookhaven Town, particularly in southern Brookhaven Town. We've had a presentation made to us where, in fact, including the 9.2% adjustment where at \$61,6000 per acre is still less than the adjusted -- the low adjusted value of Wood of sixty-four seven, and also it's certainly lower than Rogers and Taylor of 75.

I would go on to say that we have -- and according to Mr. Moore, these are numbers that are within the realm of comparables, a high of as much as \$94,000 an acre for comparable inland land within the Moriches area. Even if you took off the high number of 94,000 per acre, there are a number of per acre comparables of 83,000, of 80, of 89, of 75, even a low of 62,660. However, the 9.2% difference is even lower than the lowest comparable value of -- well, there's one of 47 but all the rest are well over 60,000.

So it seems to me that we are in a relative comfort zone here, given with all the concerns we've had in the past, that we're on the low end of the comparables where a family, to their credit, to their credit tomorrow could no doubt get at least 75 or 85,000 an acre in this particular area. And they're willing to work with the County and have been patient for three years where even today they're still willing to take at least 20,000 less per acre than they could in the open market.

And plus, I would finally add, Mr. Chairman, and what Mr. Schneiderman, Legislator Schneiderman had just mentioned a few months ago, that some of these appraisals go back to last spring -- that some of these appraisals go back to last spring, correct?

**MS. COSTIGAN:**

Yes.

**LEG. FOLEY:**

So if you look at 9.2% from last spring to this -- to where we are today, that 9.2% is more than covered by the roughly 12 to 15% increase in value of real estate, and I would say that's a County wide statistical increase. When you look in southeastern Brookhaven Town, and as the

chair knows, very well knows, that we have a current board in the town that too often has changed two acre and one acre zone into multifamily. And one of the reasons why it is booming in southeastern Brookhaven Town is because of some of these land use decisions that would be made by the township. And while I would say it's a conservative figure to say that there's a 15% increase from last April, I would say it's probably closer to 20%.

So for those who are worried about any editorials or weeklies or daily editorials saying ah ha, we're going beyond -- already we're going beyond the mean by 9.2%, but we all can look them straight in the eye and say adjusted for ten months later, that 9.2% has already been surpassed by the increase in valuation of land.

Given all of those things, I would hope, I would hope that today that we could support this resolution to have -- in order to move forward with preserving these 25 acres. And if there are -- hopefully there are 12 votes towed, there are at least two Legislators who are missing today who I believe would also have been supportive if they could have stayed here. So hopefully we can get the 12 or close there to, but if we could get the 12 then we're saying to the public that we're preserving properties in this part of the County, as we have for a far higher acreage cost, whether its in Southold and I've done that freely and happily, whether it's done in Huntington or whether it's done down in the south fork.

So we've got to move forward with this. There's not that many farms left in Brookhaven Town and this is one of the few that we can actually acquire where the family involved is willing to take less of a per acre charge, if you will, than going into the private sector which would be the easy way out.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. Legislator Caracciolo.

**LEG. CARACCILOLO:**

Thank you. Ms. Costigan, could you advise the Legislature when this acquisition, proposed acquisition first came into the department's attention?

**MS. COSTIGAN:**

No, I say it was before me, it was at least three years ago.

**LEG. CARACCILO:**

Okay.

**MS. COSTIGAN:**

Mr. Strobel may know better than I, but it was more than three years ago.

**LEG. CARACCILO:**

Herb, perhaps you could just recount for the record the e-mails, you sent me several.

**MR. STROBEL:**

I don't want to take that much time, but --

**LEG. CARACCILO:**

Well, I'd like to pinpoint some accuracy here because it's very disturbing to me when people don't report factual facts, I mean -- or actual facts.

**MR. STROBEL:**

Well, Mr. Steve Jones who some of you might know, he first visited the farm back in March of 2000; at that point, I'm sure most of you realize, he was with the Planning Department. In April of 2000 the Farmland Select Committee for the County recommended the PDR acquisition and then in June of 2000 the Legislature, this body, approved the planning steps; I don't have that, I can't remember when.

**LEG. CARACCCIOLO:**

That's almost four years ago.

**MR. STROBEL:**

That would be June of 2000. In September of 2000 an initial appraisal -- which Mr. Moore nor Ms. Costigan was around for -- was done by Mr. Kenneth Herbert, I believe he's an appraiser out of Sayville. And quite frankly, Ladies and Gentlemen, that was a slap in the face to us. I won't talk to you about ag value, I won't talk to you about simple fee, I won't talk to you about anything other than full value per acre, and at that point in September of 2000, he valued our land at \$14,500 per acre. Okay?

Now, some of you may not have sold property in the last four or five or six years but I can tell



you this, that my parents sold similar property, as I mentioned this morning, thirteen acres of the farm back in 1995 -- excuse me, 1985, a full 15 years prior to Mr. Herbert's appraisal, and they sold it for 16,500 per acre in 1985, which was a reasonable price at that point in time. In the Year 2000, even if you --

**P.O. CARACAPPA:**

Mr. Strobel?

**MR. STROBEL:**

Yes?

**P.O. CARACAPPA:**

I just ask that you -- this isn't part of your question, is it, Mike?

**LEG. CARACCIOLO:**

Well, he's just going through a chronology of the interaction with the County because this history is important.

**MR. STROBEL:**

I won't belabor it. Anyway, the first appraisal was done in September of 2000, it was at best 30% of the market value at that point in time. A rereview was done of Mr. Herbert's appraisal in August of 2001 and that review was done by the Division of Real Estate. They did not see it at that point in time -- again, this is before Mr. Moore's time -- to change the values.

The County Division of Real Estate then in September of 2001, contracted for a new appraisal by Frederick Woods Associates -- again, this is 2001. Because of things that were happening in the latter part of 2001, not only because of the problems in New York City but also because some stuff started happening with regards to the so-called scandals, there were major delays that started happening. And basically, an update of that original beach -- excuse me, woods appraisal was then done almost a whole year later. Okay? At that -- and then it went into internal review again in December of 2002, and then the town started expressing some interest at that point, and then in early 2003 they contracted for the Taylor appraisal, that's the town did. And then from there, you folks have those numbers.

So anyway, in answer to Legislator Caracciolo's question, this has been going on now for -- since

March of 200. And I would just add editorially that I think our family has been exceedingly patient with the Division of Real Estate and, quite frankly, with this body as well. I realize you folks haven't seen it all that often but -- haven't seen it that long, but believe me, it's been a long painful process. And we have gotten offers just in the last week of \$100,000 per acre, no change in zoning, the developer could walk down to the town tomorrow and get that -- get a subdivision filed without any change of zoning or anything, and \$100,000 per acre is not unreasonable. So, anyway.

**LEG. CARACCIOLO:**

Thank you. The question I have for Real Estate relates to the appraisals. Mr. Moore -- who last month, at the December 16th meeting, was here as our County review appraiser and was not thoroughly familiar with these two appraisals from Rogers Taylors and Frederick Wood when I posed a few simple questions -- now has had the opportunity, benefit of a month or more to become thoroughly familiar and he made a very, I think, adequate presentation today.

**MR. MOORE:**

Thank you.

**LEG. CARACCIOLO:**

However, what I noted in the appraisals was that the comparables, I believe three or four of them, were on the north fork, in Riverhead and Southold -- Well, Riverhead Town, Aquebogue, a couple in Riverhead. The question I have is did we not look for comparables in either Eastern Brookhaven where I know the County is in the process of making another purchase right now and the name escapes me, it was in all the local papers this past week where the town was taking credit for it, and/or Southampton Town? I mean, how do we determine the comparables; why Riverhead Town and Eastern Brookhaven and not Southampton Town and Eastern Brookhaven?

**MR. MOORE:**

The appraisers inspect all of those sales, they obtain the data on all of those sales and they choose the sales, we don't give them any direction whatsoever, we can't be in a position like that to. However, having said that, they choose the sales they feel are most appropriate, and I believe we're looking in this particular case at the agricultural sales which are less town specific, if I can say that as a generality, in terms of their market valuation.

I think they did a good job on the particular sales they chose, and certainly next time around we can instill in them the fact that we'd like to see them stay close to home as best they can.

**LEG. CARACCILO:**

Okay. I would point out and we will take this up in the EPA Committee as that committee gets to work in the next cycle, that there have been, based on my observation, some inconsistencies in the values or appraised values of farmland in some cases in very close proximity to each other by the County appraisers; that needs some explanation and we'll get into those case specific issues as the year progresses. But it's very disconcerting to me that I made a request for this information after the December 16th meeting and did not receive it until yesterday.

It's very disconcerting to me that the Chief County Executive, Paul Sabatino, has a conversation with me wherein he agreed to take this issue up on Thursday at length with the Division of Real Estate and is now recanting that representation. That does not bode well for him and my relationship in the future because, as those of you who have known me a long time, if you lie to me once you have no credibility. I'll just leave it there.

**LEG. TONNA:**

Mr. Chairman?

**P.O. CARACAPPA:**

I have a list, Legislator Tonna.

**LEG. TONNA:**

Okay; oh, sorry.

**P.O. CARACAPPA:**

Legislator Schneiderman, then Alden, then Tonna.

**LEG. SCHNEIDERMAN:**

My question is to Mr. Moore, if Mr. Moore will step back. In determining -- basically in determining the County's price, we're taking the -- what it would sell to a developer for and we're subtracting the value of the farmland. And in terms of determining what the value of that farmland is, I'd like you to go through a little bit of the methodology. Are you looking at rentals and leases on comparable farmlands, are you looking at whether the farm is viable? Because a

larger farm like a 100 acre farm may have different properties in terms of industrial farming than a small farm which, you know, might end up being a horse farm or a tree farm or something like that; could you talk a little bit of how you determined -- in my estimation, and I've seen a lot of these leases on farmland, it's very hard to rent this farmland for -- because, you know, growing corn or potatoes, you don't get a high return. Maybe Mr. Strobel can help on this, but what typically is farmland like this leased for per acre? And then can you arrive at a sales price based on the revenue generating capacity of the farmland?

**MR. MOORE:**

We don't examine leases, I should say the appraisers don't. There's no need to do that sort of mathematical manipulation when you have sales. There's a very viable and active sales market, we have plenty of sales; I think we're saying we have too many sales. Between the two of them we probably have seven or eight ag sales that are good in one degree or another, applicable to the subject property, so leases aren't needed to be examined.

When it comes to the relative valuation of ag lands, certain characteristics such as zoning, for example, have no bearing particularly on agricultural lands.

**LEG. SCHNEIDERMAN:**

Does it follow the ag market laws.

**MR. MOORE:**

Pardon?

**LEG. SCHNEIDERMAN:**

Does it follow the State Ag Market Laws? Zoning isn't applicable.

**MR. MOORE:**

Isn't applicable to the valuation. The farming community needs those lands on a per acre basis, regardless of the zoning, they have a use in mind. Other adjustments such as shape certainly may have some applicability to the adjustment group, shape size, size may have an applicability, too, but there will always be some factors which you can take out of the mix. So therefore, those are the kinds of things that come into play in the valuation of ag market.

**LEG. SCHNEIDERMAN:**

You're not using a typical commercial property valuation technique where you might take the gross revenues and the net revenues and multiply it by a factor, you're just basing it on sales.

**MR. MOORE:**

That's correct, it's called the Sales Comparison Approach.

**P.O. CARACAPPA:**

Jay, you done?

**LEG. SCHNEIDERMAN:**

That's it.

**P.O. CARACAPPA:**

Legislator Alden then Tonna.

**LEG. ALDEN:**

Christine Costigan, I have just a couple of questions. How many dollars are left in the -- in this program?

**MS. COSTIGAN:**

Tom, do you have -- I'm not prepared to answer that.

**LEG. ALDEN:**

Maybe I'll direct my questions to Mr. Isles.

**DIRECTOR ISLES:**

In terms of the Farmland Programs.

**LEG. ALDEN:**

Yes.

**DIRECTOR ISLES:**

We have several programs, the funding is about five million in contract, about 15 million with accepted offers that will be subject to your review and other reviews and maybe they will or will not go to closing, and then approximately \$10 million depending on -- depending on how much

of the Multifaceted funds will be allocated to Farmland versus other choices.

**LEG. ALDEN:**

So we're coming to the end of our Acquisition Program basically is what you're saying.

**DIRECTOR ISLES:**

Well, what I'm saying is that's the current numbers, here again, a rough form. The Chairman of the EPA Committee has requested more specific numbers at the next meeting which we were certainly going to be providing, I can share that with you if you'd like.

In terms of the program, obviously funds are limited, they are replenished with the Quarter Percent Program, for example, it generates annual dollars for farmland to the tune of four to \$5 million a year, Multifaceted and so forth. We also have the ability to finance under EFC, farmland acquisitions as an option that you could exercise as well.

**LEG. ALDEN:**

Now, the dollars that we're doing this acquisition out of, are they just for Brookhaven acquisitions?

**DIRECTOR ISLES:**

No, this is County wide dollars.

**LEG. ALDEN:**

Oh, it's a broader one. And how much property did you say you -- there's some in the hopper; outside of that, is there a wish list or a list of appropriate acquisitions that goes beyond what we have in the hopper?

**DIRECTOR ISLES:**

For farmland?

**LEG. ALDEN:**

Yes.

**DIRECTOR ISLES:**

Yes, there is a list that is recommended by the County Farmland Committee and periodically

those recommendations are brought to you. So the Division of Real Estate, at any one time, is working with a number of properties. And it becomes a factor of interest in the property owner because it's willing sellers and the opportunities that exist in the market place, so the list is always bigger than the actual number of deals we actually do. But there is competition for it, yes.

**LEG. ALDEN:**

Okay. Would it not be a good technique to -- you know, when we hit a snag like this, rather not buy property and go through a lot of -- and there was a lot of reevaluation and things like that, would it not be a good technique, if this is our -- if our goal is to buy the most amount of property for the least amount of money, wouldn't it make sense to just go right down the list until we've exhausted the list and then we can go back and negotiate on a more intense type of basis if we exhaust that list? But if our goal is to buy property today and we don't want to pay a lot of money -- because it almost seems to me like what we're doing in this resolution, we're acting against our own interest because we're giving more than our program established. I know Legislator Bishop put in a modification to that program that allows more money, but when we exceed that, you know, our ability to go and buy these properties and we raise the anty, so to speak, everybody down the line is going to be affected by that. And to my estimation, it would mean that other people that are on line that might have accepted whatever the appraised value inside the program would be, they might say, "Well, everybody else is getting more money, I want more money." So that's a vicious circle because then that raises the bar and it makes it where we can't acquire the most amount of property for the least amount of money and it's on our own actions.

**DIRECTOR ISLES:**

There are only two comments to make to kind of keep this somewhat brief. Number one is that the procedures we're following are the procedures that you've established for us which is go out, look for the land, do the appraisals, if it comes above the mean to come back to you, and we're doing that. We obviously respect your choice, your decision of which farms you want to acquire or not.

Just the second point is that -- just my observation is that, quite frankly, we haven't had -- we've had a fair number of farmers not being interested in our offers, that seems to be changing a little bit but we have had some problems with that. So actually finding willing sellers that will agree to the terms of the County's sale and so forth has not been that easy.

I think in terms of your general point about there's not an unlimited amount of money, we should buy the most appropriate land, that's a very valid point. The only comment I would make on that one is that it's not just simply a matter of the dollar value, it's also a matter of where do you want this farmland in the County. There's been testimony today by Legislator Foley that this part of Brookhaven doesn't have a lot of farm left, maybe some of the money should be spent here as we distribute around the County; we respect your desires on that but --

**LEG. ALDEN:**

Personally I'd like to see a lot more spent on acquiring anything on the west end because there are still a couple of farms over there.

**DIRECTOR ISLES:**

Absolutely.

**LEG. ALDEN:**

You know, again, that takes a lot more money so you don't get the biggest bang for your buck. But if this market doesn't, in fact, slow down instead of just, you know, going straight up, we are acting against our own interests because we're actually moving the bar up when we exceed our --

**DIRECTOR ISLES:**

Here again, this is within the range of the appraised values. In terms of the future and the crystal ball in terms of what the market's going to do, I don't know, they do tend to cycle obviously a little bit.

I don't know what else to answer to your question. It's a judgement as to whether the market tomorrow will be more than today or less than today. We feel that this has been very carefully done in terms of the appraisal process, the review process, I don't think I've seen any acquisition that's gone quite to the extent of the review here. We understand your trepidation about going above the mean, this would be only the second or third time we've done that.

We think, based on the Farm Committee's recommendation back in 2000, that it's a good acquisition and declining farmland in this part of the County, we'll defer to your wishes in the final decision.



**LEG. ALDEN:**

Just an observation. I would hope that other opportunities were not bypassed by spending four years worth of, you know, time to go and do reappraisals and analysis and things like that. I hope we didn't lose out on, you know, some acquisitions in the meantime there.

**DIRECTOR ISLES:**

No, we didn't.

**LEG. ALDEN:**

Thanks.

**LEG. VILORIA-FISHER:**

I'd like to make a --

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

No, I'm not going to make it any more painful.

**P.O. CARACAPPA:**

You sure, Paul:

**LEG. TONNA:**

Yes.

**P.O. CARACAPPA:**

Thank you, Sir.

**LEG. VILORIA-FISHER:**

I'd like to make a motion to approve.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

There is a motion to table and a second pending, that does take precedence. Are there any other questions? Would all Legislators please report to the horseshoe.

**LEG. FOLEY:**

I think we're missing a couple of Legislators.

**P.O. CARACAPPA:**

There's a motion to table and a second; this is what we call voting.

**LEG. BISHOP:**

I heard rumors of that.

**LEG. VILORIA-FISHER:**

What a concept.

**LEG. BINDER:**

Can we take a course on that?

**LEG. FOLEY:**

There's a motion to table?

**P.O. CARACAPPA:**

There is a motion to table and a second.

**LEG. FOLEY:**

There is a second?

**P.O. CARACAPPA:**

There is.

**LEG. FOLEY:**

On the motion, then.

**LEG. VILORIA-FISHER:**

Come on, we've already done that.

**LEG. FOLEY:**

Nope, on the motion. On the motion.

**P.O. CARACAPPA:**

Of course, Legislator Foley.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

I thought all this was on the motion to table.

**LEG. BINDER:**

It's all on the motion to table.

**LEG. BISHOP:**

You've had the microphone for over an hour.

**LEG. FOLEY:**

Mr. Chairman, the one new piece of information we received from the owners of the property, and I have no reason -- I never heard of them or spoke to them until the other work. We just heard a graphic illustration of last week, they were offered a \$100,000 an acre for this parcel; 100,000. Now, that's not a responsible answer. If they're offered that kind of money and they're willing to work with this County for 45% less than that, I think it's incumbent upon us to look at it, particularly in an area of the County where it's just begging to preserve what's left of farmland.

We preserved farms and properties in all the townships, particularly out east but also other areas, for far more than this. I think this is a very, very worthwhile acquisition at a very -- at a less expensive rate than we've had in other farm acquisitions. So I'd hope we would oppose the tabling and approve the acquisition today.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. Just let me put on the record, I want to support this but I find it hard-pressed to not support a tabling motion from the Legislator who's district this falls in at this point in time; if the tabling motion does fail I will support it. So with that being said, roll call on the tabling.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

(Not Present)

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yeah.

**LEG. COOPER:**

No.

**P.O. CARACAPPA:**

Yeah.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CRECCA:**

No.

**MR. BARTON:**

Nine (Not Present: Legislators Lindsay & Losquadro).

**LEG. VILORIA-FISHER:**

Motion to approve.

**P.O. CARACAPPA:**

Motion by Legislator Viloría-Fisher to approve, second by Legislator Foley. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. VILORIA-FISHER:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCILO:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. LINDSAY:**

(Not Present)

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. BINDER:**

No.

**LEG. TONNA:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Do we need 12?

**LEG. CARACCILO:**

Call the vote.

**MR. BARTON:**

Ten (Not Present: Legislators Lindsay & Losquadro).

**LEG. VILORIA-FISHER:**

Motion to table to the next -- I don't know.

**P.O. CARACAPPA:**

There was a motion -- I'll entertain a motion from Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

To table to the --

**LEG. BISHOP:**

March meeting.

**LEG. VILORIA-FISHER:**

-- March meeting.

**P.O. CARACAPPA:**

There's a motion to table to the March meeting. Second?

**LEG. BISHOP:**

February failed already.

**LEG. VILORIA-FISHER:**

February failed.

**LEG. ALDEN:**

Point of order. Point of order.

**P.O. CARACAPPA:**

Point of order. I didn't hear the vote count.

**LEG. ALDEN:**

Okay, I saw the Clerk say ten, though.

**P.O. CARACAPPA:**

No, I heard Legislator Viloría-Fisher. Legislative Counsel, we do need 12, correct?

**MS. KNAPP:**

(Nodded head yes).



**P.O. CARACAPPA:**

Okay. So there is a motion to table, based on the fact that there would not be 12, to the March meeting of this Legislature, seeing that the February date for tabling had already failed. Motion and a second by myself.

**LEG. FOLEY:**

Just on the motion.

**P.O. CARACAPPA:**

One motion, Legislator Foley.

**LEG. FOLEY:**

Can there be a reconsideration? Can there be a reconsideration of the tabling motion that failed for February?

**P.O. CARACAPPA:**

Yeah, there sure can be.

**LEG. BISHOP:**

I was on the prevailing side, I'll make a motion to reconsider.

**P.O. CARACAPPA:**

There's a motion to reconsider the tabling motion by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions? The tabling motion for the February meeting is now before us again.

**LEG. BISHOP:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Bishop, second by Legislator Foley. All in favor? Opposed?

**LEG. BINDER:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BISHOP:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Pass.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BINDER:**

No.

**LEG. TONNA:**

Yeah.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes. I'm sorry, yes to table.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

No.

**MR. BARTON:**

Thirteen, it's tabled (Not Present: Legislators Lindsay & Losquadro).

**P.O. CARACAPPA:**

It's tabled.

There's a CN.

**LEG. BINDER:**

All that for a tabling motion

**P.O. CARACAPPA:**

Yeah, we have a CN that we can debate for two hours now.

It's a Local Law 16, it's **Resolution 1051**. Legislator Foley?

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley, second by myself. This is a Local Law 16.

**LEG. BINDER:**

On the motion. Can you tell us the history of Local Law 16's? Just kidding.

**LEG. BISHOP:**

Can we bring up everybody in the agencies that have deal with it.

**LEG. FOLEY:**

It meets all the requirements.

**P.O. CARACAPPA:**

There's a motion by Legislator Foley and a second. On the motion, Legislator Crecca.

**LEG. CRECCA:**

I'm sorry. It's unusual for a Local Law 16 to be a CN, so if, Brian, if you could --

**LEG. FOLEY:**

The last page there's a letter dated December 30th of '03 from

Mr. Bonventre who details the reasons why this is of a time sensitive nature and would like to have it returned as of the end of this month as opposed to the end of next month. They have particularly one family that's ready to move into a -- one house is completed, the other is 60% complete, they're ready to move into the house but for this payment which was -- fell through the cracks last year by the Executive --

**LEG. CRECCA:**

Yeah, that's fine. Brian, just so long as you tell me it's time sensitive.

**LEG. FOLEY:**

Time sensitive. Thank you.

**LEG. CRECCA:**

I trust you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

15, two not present (Not Present: Legislators Lindsay & Losquadro).

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Okay. -- we have late starters.

**LEG. ALDEN:**

Motion to table.

**P.O. CARACAPPA:**

I make the motion to waive the rules and lay on the table, there's a second by Legislator Carpenter, Resolution 1088, it goes to Ways and Means; 1089 that goes to Health and Human Services; 1090, that goes to Ways and Means; 1091, that will go to Economic Development; 1092, that will go to Ways and Means, 1093, that will go to Budget and Finance; 1094, that will go to Budget and Finance; 1095, that will go to Ways and Means; 1096, that will go to Budget and Finance; 1097, that will go to Parks, and that's all. There's a motion and a second. All in favor? Opposed? Abstentions? Is there any other --

**LEG. VILORIA-FISHER:**

Yes, I just have one procedural question, and it's really not a debate it's really a question.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

As I look through the agenda for today's meeting and February's meeting, I don't see any indication of which pieces of legislation are assigned to the Rules Committee. How do I know which of these is assigned to the Rules Committee? I don't see it written anywhere.

**P.O. CARACAPPA:**

Legislator Tonna had brought that to my attention earlier. For right now you just have to go based on the fact that it's any Local Law, Charter Law, Sense Resolution or Home Rule. The agenda will be marked with what will go to the Rules Committee in some fashion at the next meeting. So for now it was just an oversight and at the next meeting it will be corrected.

**LEG. VILORIA-FISHER:**

Okay, thank you.

**P.O. CARACAPPA:**

Thank you very much. Any other business to come before us today?

**LEG. BISHOP:**

Mr. Chairman, is there any --

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Is there any hope that that February 24th meeting, which is a problem for a sixth of the Legislature, is going to be changed?

**P.O. CARACAPPA:**

I have not had -- other than yourself, I haven't had anyone come to me asking for it to be changed.

**LEG. BISHOP:**

Mr. Tonna, Mr. Lindsay and myself all have a problem with the 24th.

**LEG. TONNA:**

I mean --

**P.O. CARACAPPA:**

There hasn't been an overwhelming response.

**LEG. BISHOP:**

Well, what is --

**P.O. CARACAPPA:**

You're asking.

**LEG. TONNA:**

Okay, so it's only Legislator Tonna and Legislator Bishop?

**LEG. BISHOP:**

And Lindsay.

**LEG. TONNA:**

And Lindsay.

**P.O. CARACAPPA:**

Actually, Legislator Lindsay never spoke to me about it.

**LEG. TONNA:**

Well, that's -- I think, Presiding Officer, that's because he tried to make arrangements on the 24th to fly back and forth seeing that, you know, that was his only possibility; that's an impossibility for me.

Yeah, that we've done every single year for the last whatever. That's okay, Legislator Binder, I might even have some holidays that I have to make appointments for. Anyway, I just -- I think Legislator Bishop asked the question, I would just ask my colleagues to think again, you know.

**LEG. BISHOP:**

I think's unusual, there's three members --

**LEG. TONNA:**

There's going to be a time when you're going to need a vote or something like that and you're going to want a Legislator that's here at a meeting when I gave a lot of notification about this. Never have I ever been turned down before, never has any other Legislator in the memory of -- my memory has been turned down when they made a request to make sure that they wanted to make a good faith effort to be at a meeting. Legislator Caracciolo used to go to those meetings from time to time, I remember the February meetings, the same time, you know, during vacation week and the week after, during President's Week and right the week after. You know, all I'm saying is that -- and then I made my request, I've asked people to consider that.

We're setting a terrible precedent because, believe me, you start today, somebody else is going to have a date or something like that and everyone is going to say -- you know, it's a bad precedent to set. I think you should really think about it.

**P.O. CARACAPPA:**

I will entertain all offers, but as of right now I haven't -- I really haven't received --

**LEG. TONNA:**

Well, I have a bill in for March and I'm looking for support and if I don't I'm going to ask -- I'm going to go, you know, personally and ask people to make a discharge petition, to sign a discharge petition. I just can't believe it, I really can't believe it; I've never seen this before.

**LEG. BISHOP:**

Make it -- the 25th would solve a lot of problems.

**LEG. SCHNEIDERMAN:**

On the March date, I'm just curious if Legislator Tonna has found another date that all the other Legislators can make.

**LEG. TONNA:**

Well, I can tell you honestly that --

**LEG. SCHNEIDERMAN:**

I had queried the other Legislators and I was not able to find a date that everyone could make.



**LEG. TONNA:**

When querying Legislators --

**LEG. BISHOP:**

You didn't query me.

**LEG. TONNA:**

-- and they'll remain anonymous -- wait, I don't know who has the floor; sorry, Mr. Presiding Officer.

**P.O. CARACAPPA:**

Legislator Schneiderman.

**LEG. TONNA:**

And then I'd like to be recognized when he's done.

**LEG. SCHNEIDERMAN:**

I didn't query everyone. I queried about ten people and found there were a couple -- I couldn't find a date that everyone could make.

**LEG. CRECCA:**

That was the problem, we tried to do this --

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

When I queried Legislators there was a completely different response. Of course I wouldn't give up those Legislators, but a majority of the Legislators I spoke to said it had nothing to do with the date, especially the March date, it had to do with a quote that I made in the paper. And all I can tell you is that, you know, I can't -- I can't believe that with 30 days in March and 30 days in February and the history of 25 years in the Legislature where we've never had a problem finding a date, that all of a sudden there are two months in a row that you can't find dates; I find that incredible, just incredible.

**LEG. CRECCA:**

May I?

**P.O. CARACAPPA:**

Are you done, Paul?

**LEG. TONNA:**

Yeah.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Paul, just so you know regarding the 24th date, in all complete seriousness there was an effort made to try to move it to the week ahead and the week before, there were -- I'm not -- you know, there were other things discussed, I'm not saying there weren't, but we really couldn't -- we really had -- we could not find a day that --

**LEG. BISHOP:**

Well, why don't we look at a day now?

**LEG. CRECCA:**

At least two Legislators couldn't make the meeting.

**LEG. TONNA:**

Could I just be -- Legislator Crecca, could you say that the same thing about --

**LEG. CRECCA:**

(Inaudible).

**LEG. TONNA:**

In all honesty, looking at me eye to eye, say the same thing about March?

**LEG. NOWICK:**

Can I ask a question?

**LEG. TONNA:**

No.

**LEG. CRECCA:**

I never tried to move the March date, so I don't know.

**LEG. TONNA:**

Right. But can I -- can you honestly -- was it because you couldn't find a date in March? Because I know you guys had an extensive conversation about it.

**P.O. CARACAPPA:**

Is there any other business to come before the Legislature?

**LEG. BISHOP:**

Yes, I would renew my request. We're all here --

**P.O. CARACAPPA:**

Well, if we could act civilly and we all took turns --

**LEG. ALDEN:**

We're not all here.

**P.O. CARACAPPA:**

-- we might get this done, or how about not get it done.

**LEG. BISHOP:**

I will yield to Legislator Nowick who has a suggestion.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

My suggestion would be, if everybody would agree and it would make everybody happy, the

meeting is scheduled for Tuesday the 24th; although I know this is not typical of the Legislature, if everybody would agree and we would have it on Wednesday the 25th, it might make many of the Legislators happy. If everybody could bend a little, I would be willing to --

**D.P.O. CARPENTER:**

Wednesday is not the 25th.

**LEG. TONNA:**

Wednesday is the 25th.

**LEG. CRECCA:**

It is the 25th, but I --

**D.P.O. CARPENTER:**

In March?

**LEG. NOWICK:**

February.

**LEG. CRECCA:**

I can't do the 25th.

**LEG. TONNA:**

The 25th the Nassau-Suffolk Building Trades meet, the 26th they don't; the 26th would be perfect.

**LEG. NOWICK:**

What day is that?

**LEG. TONNA:**

The Thursday.

**LEG. NOWICK:**

I can't do a Thursday.

**LEG. TONNA:**

Or Friday. Oh no, Friday Legislator Binder can't.

**D.P.O. CARPENTER:**

They're talking about March now.

**P.O. CARACAPPA:**

Let's adjourn the meeting. Let's adjourn the meeting and we'll try and work it out. All right. Any other business to come before the Legislature? Legislator Bishop.

**LEG. BISHOP:**

You said that before, there was no effort.

**MR. BARTON:**

Mr. Chairman, if you're contemplating changing the date of the meeting --

**P.O. CARACAPPA:**

We're going to have problems with the public hearings that we just set.

**MR. BARTON:**

You have to grant somebody the authority to change them.

**P.O. CARACAPPA:**

Any other business to come before this body? We're adjourned.

**[THE MEETING WAS ADJOURNED AT 6:25 P.M.]**

**{ } - Indicates Spelled Phonetically**